A/67/53

United Nations

Report of the Human Rights Council

Nineteenth session
(27 February–23 March 2012)

Twentieth session
(18 June–6 July 2012)

Nineteenth special session
(1 June 2012)

General Assembly

Official Records
Sixty-seventh session
Supplement No. 53 (A/67/53)

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I. Introduction

1. The Human Rights Council held its nineteenth session from 27 February to 23 March 2012 and its twentieth session from 18 June to 6 July 2012. The Council held its nineteenth special session on 1 June 2012.

2. The reports of the Human Rights Council on each of the above-mentioned sessions have been issued in documents A/HRC/19/2,[1] A/HRC/20/21 and A/HRC/S-19/2.[1]

[1] To be finalized.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

19/3
Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (*g*) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Taking note also of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner,[2]

Recalling the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner[3] and on the funding and staffing of the Office,[4]

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reiterating its concern that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for almost half of the posts of the Office of the High Commissioner,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, including in the senior management positions,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses* its serious concern at the fact that, despite the measures taken by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single region occupies almost half of the posts of the Office of the High Commissioner;

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[2] A/HRC/19/24.

[3] A/59/65-E/2004/48 and Add.1.

[4] JIU/REP/2007/8.

2. *Welcomes* the statement made by the High Commissioner in her report that achieving geographical balance in the staff of her Office will remain one of her priorities, and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

3. *Notes* the increase in the past four years in the percentage of staff from regions identified as requiring better representation and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while noting with concern the small increase in 2011 and no change in the status of the prominent region, and stresses the need to implement additional measures to redress the prominent imbalance in a more expeditious way;

4. *Takes note* of the progress achieved in improving the geographic diversity of the staff of the Office, and takes note also of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

5. *Requests* the High Commissioner to work on the broadest geographical diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

7. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

8. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

9. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

10. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the General Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

11. *Encourages* the General Assembly to consider further measures to promote desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

12. *Welcomes* the increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the High Commissioner to submit a comprehensive and updated report to the Human Rights Council at its twenty-second session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office.

52nd meeting
22 March 2012

[Adopted by a recorded vote of 33 to 12, with 2 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Chile, Congo]

19/18
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

The Human Rights Council,

Recalling its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Fact-Finding Mission on the Gaza Conflict,[5]

Recalling also relevant General Assembly resolutions, including resolutions 64/10, adopted on 5 November 2009, and 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission on the Gaza Conflict,

Recalling further the relevant rules and principles of international law, including international humanitarian law and international human rights law, in particular the Geneva

[5] A/HRC/12/48.

Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling the Universal Declaration of Human Rights and the other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

Reaffirming the obligation of all parties to respect international humanitarian law and international human rights law,

Reiterating the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

1. *Reiterates its call* upon all concerned parties, including United Nations bodies, to ensure their full and immediate implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

2. *Welcomes* the efforts made by the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999, as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland continue to pursue its efforts with the aim of resuming the above-mentioned conference as soon as possible;

3. *Recommends* that the General Assembly consider launching an urgent discussion on the legality of the use of certain munitions, with the assistance of the relevant international organizations and specialized agencies and interested parties and stakeholders, as recommended by the Fact-Finding Mission in its report;

4. *Also recommends* that the General Assembly remain apprised of the matter until it is satisfied that appropriate action with regard to implementing the recommendations made by the Fact-Finding Mission in its report has been taken at the domestic or international level to ensure justice for victims and accountability for perpetrators, and also remain ready to consider whether additional action within its powers is required in the interests of justice;

5. *Requests* the Secretary-General to present to the Human Rights Council, at its twenty-first session, a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission, particularly by providing detailed information on non-implementation and the measures required to ensure the most adequate and effective implementation of the recommendations by all parties concerned, including United Nations bodies, in accordance with section B, paragraph 3, of Council resolution S-12/1;

6. *Requests* the United Nations High Commissioner for Human Rights to submit to the Human Rights Council, at its twentieth session, a progress report on the implementation of the present resolution;

7. *Decides* to follow up on the implementation of the present resolution at its twentieth session.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 29 to 1, with 17 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda

Against:

United States of America

Abstaining:

Austria, Belgium, Burkina Faso, Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Mexico, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, Uruguay]

20/14
National institutions for the promotion and protection of human rights

The Human Rights Council,

Recalling Human Rights Council resolution 17/9 of 16 June 2011, as well as relevant resolutions of the General Assembly, the most recent of which is resolution 66/169 of 19 December 2011, and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the international recognition of the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection of human rights in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights ("the Paris Principles"),

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law, and in developing and enhancing public awareness of those rights and fundamental freedoms,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recognizing the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the International Coordinating Committee of National

Institutions for the Promotion and Protection of Human Rights, regional coordinating committees of national institutions and those national institutions in the promotion and protection of human rights,

Noting with interest the twenty-fifth annual meeting of the International Coordinating Committee, held from 20 to 22 March 2012,

Welcoming the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national institutions for the promotion and protection of human rights[6] and on the activities of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in accrediting national institutions in compliance with the Paris Principles;[7]

2. *Reaffirms* the importance of the establishment and strengthening of effective, independent and pluralistic national institutions for the promotion and protection of human rights in accordance with the Paris Principles;

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

6. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

7. *Welcomes* the growing number of Member States establishing or considering the establishment of national institutions for the promotion and protection of human rights in accordance with the Paris Principles, and welcomes in particular the growing number of States that have accepted recommendations to establish national human rights institutions through the universal periodic review and, where relevant, by treaty bodies and special procedures;

8. *Also welcomes* the growing number of national institutions seeking accreditation status through the International Coordinating Committee, and encourages national institutions, including ombudsman institutions, to seek accreditation status;

9. *Further welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the United Nations High Commissioner

[6] A/HRC/20/9.
[7] A/HRC/20/10.

for Human Rights, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

10. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

11. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

12. *Recognizes* the important role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with General Assembly resolution 60/251 of 15 March 2006, Council resolutions 5/1 and 5/2 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

13. *Welcomes* the strengthening of opportunities to contribute to the work of the Human Rights Council for national human rights institutions compliant with the Paris Principles, as stipulated by the Council review outcome document adopted by the General Assembly in its resolution 65/281 of 17 June 2011 and Council decision 19/119 of 22 March 2012, and encourages national human rights institutions to make use of these participatory opportunities;

14. *Also welcomes* the contribution of national human rights institutions to the ongoing treaty body strengthening process, and encourages national human rights institutions to continue to contribute to the process;

15. *Further welcomes* the recognition by the Secretary-General of the contributions that national human rights institutions compliant with the Paris Principles have made to the work of the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and supports and welcomes the efforts of the Secretary-General to encourage national human rights institutions to continue to interact with and advocate for independent participation in all relevant United Nations mechanisms in accordance with their respective mandates;

16. *Welcomes* the endorsement by the General Assembly of the strengthening of opportunities for national human rights institutions compliant with the Paris Principles to contribute to the work of the Human Rights Council in its resolutions 65/281 and 66/169, and recommends that the Assembly explore the feasibility of enabling national human rights institutions compliant with the Paris Principles to participate in the Assembly based on practices and arrangements agreed upon in Assembly resolutions 60/251, Council resolutions 5/1 and 5/2, and 16/21 of 25 March 2011, and Commission on Human Rights resolution 2005/74, while ensuring their most effective contribution;

17. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those Member States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

18. *Commends* the high priority given by the Office of the High Commissioner to work with national institutions, including through technical cooperation, and encourages

the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including supporting the work of the International Coordinating Committee and its regional coordinating committees, and invites Governments to contribute additional voluntary funds to that end;

19. *Welcomes* the efforts made by the High Commissioner to strengthen United Nations system-wide coordination on national human rights institutions, and encourages all United Nations human rights mechanisms, as well as its agencies, funds and programmes, to work within their respective mandates with national human rights institutions;

20. *Also welcomes* the strengthening of international cooperation among national institutions, including through the International Coordinating Committee, and encourages the Secretary-General to continue to provide the assistance necessary for holding international, regional and cross-regional meetings and conferences of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the High Commissioner;

21. *Takes note with interest* of the Edinburgh Declaration on Business and Human Rights[8] resulting from the tenth International Conference of National Human Rights Institutions from 8 to 10 November 2010, and recalls Human Rights Council resolution 17/9, in which the Council welcomed the important role of national human rights institutions established in accordance with the Paris Principles in relation to business and human rights;

22. *Welcomes* the strengthening in all regions of regional cooperation among national human rights institutions, and notes with appreciation the continuing work of the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Group of National Human Rights Institutions;

23. *Encourages* all States and national human rights institutions to continue to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

24. *Requests* the Secretary-General to report to the Human Rights Council at its twenty-third session on the implementation of the present resolution;

25. *Also requests* the Secretary-General to report to the Human Rights Council at its twenty-third session on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles.

32nd meeting
5 July 2012

[Adopted without a vote.]

[8] A/HRC/17/NI/1, annex.

III. Nineteenth session

A. Resolutions

19/1
The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Having held an urgent debate to discuss the escalating grave human rights violations and the deteriorating humanitarian situation in the Syrian Arab Republic,

Expressing grave concern at the deterioration of the situation in the Syrian Arab Republic, in particular the ongoing human rights violations and use of violence by the Syrian authorities against its population, resulting in a humanitarian crisis,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 23 February 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011 and S-18/1 of 2 December 2011, the decisions, initiatives, efforts and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, including its resolutions 7444 of 22 January 2012 and 7446 of 12 February 2012, and the final communiqué of the Executive Committee of the Organization of Islamic Cooperation after its meeting on the situation in the Syrian Arab Republic, held on 30 November 2011,

Welcoming the conclusions of the Chairman of the International Conference of the Group of Friends of the Syrian People of 24 February 2012,

1. *Strongly condemns* the continued widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, the killing and persecution of protestors, human rights defenders and journalists, including recent deaths of Syrian and foreign journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children;

2. *Deplores* the brutal actions of the Syrian regime over the past 11 months, such as its use of heavy artillery and tanks to attack residential areas of cities and towns, which have led to the death of thousands of innocents civilians, caused widespread destruction, forced tens of thousands of Syrians to flee their homes and created widespread suffering among the Syrian people, resulting in a humanitarian crisis;

3. *Expresses strong concern* at the humanitarian situation in the Syrian Arab Republic, including the lack of access to basic food, medicine and fuel, as well as threats to and acts of violence against medical staff, patients and facilities;

4. *Reiterates* the need to urgently address humanitarian needs, to facilitate the effective delivery of assistance and to ensure safe access to medical treatment;

5. *Calls upon* the Government of the Syrian Arab Republic to immediately put an end to all human rights violations and attacks against civilians, to cease all violence, to

allow free and unimpeded access by the United Nations and humanitarian agencies to carry out a full assessment of needs in Homs and other areas, and to permit humanitarian agencies to deliver vital relief goods and services to all civilians affected by the violence, especially in Homs, Dar'a, Zabadani and other areas under siege by the Syrian security forces;

6. *Stresses the importance* of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity;

7. *Acknowledges* the serious and growing burden carried by the neighbours of the Syrian Arab Republic in hosting refugees from the Syrian Arab Republic and committed to provide appropriate support and assistance in this regard;

8. *Decides* to remain seized of the matter and to take further action on the situation of human rights in the Syrian Arab Republic, including after the forthcoming interactive dialogue with the commission of inquiry.

10th meeting
1 March 2012

[Adopted by a recorded vote of 37 to 3, with 3 abstentions. The voting was as follows:

In favour:

Austria, Bangladesh, Belgium, Benin, Botswana, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

Ecuador, India, Philippines]

19/2
Promoting reconciliation and accountability in Sri Lanka

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders, of18 June 2007,

Reaffirming that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law, as applicable,

Taking note of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka and its findings and recommendations, and acknowledging its possible contribution to the process of national reconciliation in Sri Lanka,

Welcoming the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings

and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

Noting with concern that the report does not adequately address serious allegations of violations of international law,

1. *Calls upon* the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

2. *Requests* the Government of Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take to implement the recommendations made in the Commission's report, and also to address alleged violations of international law;

3. *Encourages* the Office of the United Nations High Commissioner for Human Rights and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps; and requests the Office of the High Commissioner to present a report on the provision of such assistance to the Human Rights Council at its twenty-second session.

52nd meeting
22 March 2012

[Adopted by a recorded vote of 24 to 15, with 8 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Cameroon, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, India, Italy, Libya, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America, Uruguay

Against:

Bangladesh, China, Congo, Cuba, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Philippines, Qatar, Russian Federation, Saudi Arabia, Thailand, Uganda

Abstaining:

Angola, Botswana, Burkina Faso, Djibouti, Jordan, Kyrgyzstan, Malaysia, Senegal]

19/3
Composition of staff of the Office of the United Nations High Commissioner for Human Rights

See chapter I.

19/4
Adequate housing as a component of the right to an adequate standard of living in the context of disaster settings

The Human Rights Council,

Reaffirming all previous resolutions of the Human Rights Council, as well as those adopted by the Commission on Human Rights on the issue of adequate housing as a component of the right to an adequate standard of living, including Council resolution 15/8 of 30 September 2010,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own property and to adequate housing, including resolution 2005/25 of 15 April 2005,

Reaffirming that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

Reaffirming also the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and at their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda,[9] and the Declaration on Cities and Other Human Settlements in the New Millennium, adopted at the twenty-fifth special session of the Assembly and annexed to its resolution S-25/2 of 9 June 2001,

Reaffirming further the importance of implementing the Hyogo Declaration[10] and the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters,[11] adopted at the World Conference on Disaster Reduction, held in Kobe, Hyogo, Japan, from 18 to 22 January 2005,

Concerned that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, internally displaced persons, tenants, the elderly and persons with disabilities, and increases the need for them to be supported against extreme natural disasters,

Noting the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing, including its general comments Nos. 4, 7, 9, 16 and 20,

Expressing its deep concern at the number and scale of natural disasters and extreme climate and weather events and their increasing impact in the context of climate change and urbanization, as well as other factors that might affect the exposure, vulnerability and capacity to respond to such disasters, which have resulted in massive loss of life, homes and livelihoods, together with forced displacement and long-term negative social, economic and environmental consequences for all societies throughout the world,

[9] A/CONF.165/14.
[10] A/CONF.206/6 and Corr.1, chap. I, resolution 1.
[11] Ibid., resolution 2.

Recognizing that vulnerable persons are disproportionately susceptible to recurring displacement, evictions without adequate remedies and exclusion from meaningful consultation and participation during disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, to the detriment of their enjoyment of the right to adequate housing,

Recognizing also that the integration of a human rights-based approach into the framework of disaster risk reduction, prevention and preparedness, as well as in all phases of disaster response and recovery, represents an important factor into the progressive realization of the right to adequate housing, and underlining in this regard the principles of participation and empowerment,

1. *Acknowledges* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Welcomes* the reports presented by the Special Rapporteur to the General Assembly[12] and to the Human Rights Council,[13] and takes note with appreciation of the framework presented to comprehensively respect, protect and fulfil the right to adequate housing in the context of post-disaster settings;

3. *Encourages* States and relevant actors to respect, protect and fulfil the right to adequate housing as a component of the right to an adequate standard of living in their broader disaster risk reduction, prevention and preparedness initiatives, as well as in all phases of disaster response and recovery;

4. *Urges* States, in the context of post-disaster settings, and recognizing that short-term humanitarian response and early recovery phases are based on needs, to respect, protect and fulfil the right to adequate housing without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and, in this regard:

(a) To ensure that all affected persons, irrespective of their pre-disaster tenure status and without discrimination of any kind, have equal access to housing that fulfils the requirements of adequacy, namely the criteria of accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, access to essential services and respect for safety standards aimed at reducing damage in cases of future disasters;

(b) To integrate, in post-disaster settings, including where temporary shelter is required as an interim response, the right to adequate housing as a key component of planning and implementation of humanitarian, reconstruction and development responses;

(c) To give due priority to the realization of the right to adequate housing for the most disadvantaged and vulnerable persons through housing reconstruction and the provision of alternative housing, especially by respecting the principles of non-discrimination and gender equality, and by integrating a gender perspective into policies, strategies and programmes for disaster risk reduction, prevention and preparedness, as well as into all phases of disaster response and recovery;

(d) To ensure that accessibility for persons with disabilities is taken into account during all phases of reconstruction, in accordance with international law and standards;

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[12] A/66/270.

[13] A/HRC/16/42.

(e) To aim to ensure access to information and meaningful consultation and participation of affected persons and communities in the planning and implementation of shelter and housing assistance;

(f) To ensure that the tenure rights of those without individual or formally registered property ownership are recognized in restitution, compensation, reconstruction and recovery programmes, giving particular consideration to the most vulnerable persons and by taking measures to support their repossession of or alternative access to adequate housing or land;

(g) To support the voluntary return of displaced persons or groups to their former homes, lands or places of habitual residence, in safety and dignity, based on a free, informed choice, and to ensure that relocation and local integration conditions for displaced persons are in accordance with international human rights law and standards as reflected in the guidelines pertaining to adequate housing, evictions and displacement, in particular the Guiding Principles on Internal Displacement and the Operational Guidelines on the Protection of Persons in Situations of Natural Disasters adopted by the Inter-Agency Standing Committee;

(h) To ensure that cases of permanent relocation are kept to a minimum and are only carried out after all alternative and less disruptive options have been exhausted, and, where there is a clear issue of public safety, that the relocation is done in accordance with international law;

(i) To ensure that appropriate measures are taken to make available adequate alternative shelter to those unable to provide for themselves;

(j) To make accessible appropriate remedies, including access to legal counsel and legal aid, and to guarantee a fair hearing to all persons threatened with or subject to eviction;

5. *Welcomes* the cooperation extended to the Special Rapporteur by States and other relevant actors in the context of post-disaster response and recovery, and calls upon them to continue to cooperate with her on this issue, to share good practices in this regard and to respond favourably to her requests for information and visits;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human rights to provide all assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

7. *Decides* to continue its consideration of this matter under the same agenda item.

52nd meeting
22 March 2012

[Adopted without a vote.]

19/5
Question of the realization in all countries of economic, social and cultural rights

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the Vienna Declaration and Programme of Action,[14] the 2005 World Summit Outcome[15] and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of the other rights,

Recalling also previous resolutions of the Human Rights Council and of the Commission on Human Rights on the realization of economic, social and cultural rights, as well as Council resolution 4/7 of 30 March 2007,

Welcoming ongoing efforts, including by the Human Rights Council, towards the realization of economic, social and cultural rights, and encouraging additional efforts to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels,

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

Recognizing that the early entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, through its ratification by ten States, will be an important tool to help to strengthen the promotion and protection of economic, social and cultural rights worldwide, and noting with interest the fact that thirty-nine States have signed the Optional Protocol and eight have ratified it since it was opened for signature on 24 September 2009,

1. *Affirms*:

(a) That the Universal Declaration of Human Rights and the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy civil, cultural, economic, political and social rights;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the obligation of all States to ensure the full promotion, protection and realization of all human rights;

(d) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights, while emphasizing that the primary responsibility for promoting and protecting human rights lies with States;

(e) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development;

2. *Calls upon* all States:

(a) To give full effect to economic, social and cultural rights;

[14] A/CONF.157/24 (Part I), chap. III.

[15] General Assembly resolution 60/1.

(b) To consider signing and ratifying, and States parties to implement, the International Covenant on Economic, Social and Cultural Rights, as well as other international instruments relating to the realization of economic, social and cultural rights;

(c) To guarantee that economic, social and cultural rights shall be exercised without discrimination of any kind;

(d) To secure progressively, through national development policies and with international assistance and cooperation, as appropriate, the full realization of economic, social and cultural rights, paying particular attention to individuals and communities living in extreme poverty;

(e) To promote the meaningful and wide participation of civil society in decision-making processes relating to the promotion and protection of economic, social and cultural rights, including through efforts to identify and strengthen good governance practices;

3. *Encourages* all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so with a view to its early entry into force;

4. *Calls upon* the States parties to the Covenant:

(a) To withdraw reservations incompatible with the object and purpose of the Covenant, and to consider reviewing other reservations with a view to withdrawing them;

(b) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(c) To promote a concerted national effort to ensure the participation of civil society in the preparation of their periodic reports for the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(d) To ensure that the Covenant is taken into account in all their relevant national and international policymaking processes;

5. *Reiterates* that respect for and the promotion and protection of human rights are an integral part of effective work towards achieving the Millennium Development Goals, and emphasizes the central role of the United Nations in enhancing global partnerships for development, with a view to creating a supportive global environment for the attainment of the Millennium Development Goals;

6. *Recalls* General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights, and Human Rights Council resolution 15/9 of 30 September 2010, in which the Council affirmed that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

7. *Also recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation should contribute to lasting progress in implementing economic, social and cultural rights;

8. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through the submission of general comments;

9. *Encourages* the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights at the national and international levels, including by making the experience gained through the examination of States parties' reports available for the benefit of all States parties, and by organizing regional workshops to promote follow-up to its concluding observations;

10. *Expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by other human rights treaty bodies working on issues that bear upon the Covenant and United Nations bodies, specialized agencies or programmes;

11. *Also expresses its appreciation for and encourages* the continuation of the work relating to the promotion, protection and full realization of economic, social and cultural rights carried out by all relevant special procedures of the Human Rights Council;

12. *Encourages* enhanced cooperation and, as appropriate, increased coordination between the Committee on Economic, Social and Cultural Rights and United Nations bodies, specialized agencies or programmes, mechanisms of the Human Rights Council, and other human rights treaty bodies whose activities have a bearing on economic, social and cultural rights, in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

13. *Welcomes* the inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action,[16] in which States underscored, inter alia, the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

14. *Welcomes and encourages* regional initiatives to promote the further realization of economic, social and cultural rights;

15. *Recognizes and encourages* the important contributions of national human rights institutions and non-governmental organizations to the question of the realization and enjoyment of economic, social and cultural rights;

16. *Expresses its appreciation* for the activities carried out by the Office of the United Nations High Commissioner for Human Rights on the promotion of economic, social and cultural rights, mainly through technical cooperation, the work of its field offices, its relevant reports to United Nations bodies, the development of in-house expertise and its publications and studies on related issues;

17. *Encourages* the Office of the High Commissioner:

(a) To continue to provide or facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(b) To continue its cooperation with other United Nations agencies as part of the integration of economic, social and cultural rights within the United Nations system;

(c) To strengthen its research and analytical capacities in the field of economic, social and cultural rights, and to share its expertise through, inter alia, the holding of expert meetings;

[16] See A/CONF.189/12 and Corr.1, chap. I.

(d) To strengthen support for the Committee on Economic, Social and Cultural Rights;

(e) To continue its activities on the promotion and awareness-raising of economic, social and cultural rights, including by supporting regional initiatives relating to the implementation of the International Covenant on Economic, Social and Cultural Rights;

18. *Takes note with interest* of the report of the High Commissioner on the question of the realization in all countries of economic, social and cultural rights[17] and its recommendations, submitted pursuant to Human Rights Council resolution 14/13 of 18 June 2010;

19. *Decides* to focus on the issue of economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of Millennium Development Goals, in consultation with States, relevant special procedures and United Nations bodies and agencies and other stakeholders, in its annual discussion on the integration of a gender perspective, to be held at the twenty-first session of the Human Rights Council, and requests the Office of the High Commissioner to prepare and disseminate a report on the proceedings;

20. *Requests* the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the implementation of the present resolution, with a special focus on economic, social and cultural rights of women and the empowerment of women in this regard, including in the context of the achievement of the Millennium Development Goals;

21. *Decides* to remain seized of this issue and to consider taking further actions in order to implement the present resolution.

52nd meeting
22 March 2012

[Adopted without a vote.]

19/6
Special Rapporteur in the field of cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 62/155 of 18 December 2007 and 63/22 of 13 November 2008, and Council resolutions 6/6 of 28 September 2007 and 10/23 of 26 March 2009,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity,

[17] A/HRC/17/24 and Corr.1.

adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001, respectively,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and annexes thereto,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;

6. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Welcomes* the work and contributions of the Independent Expert in the field of cultural rights;

8. *Decides* to extend, for a period of three years, the mandate of the current mandate holder as a special rapporteur in the field of cultural rights, as set out in the relevant United Nations human rights instruments, with the following mandate:

(a) To identify best practices in the promotion and protection of cultural rights at the local, national, regional and international levels;

(b) To identify possible obstacles to the promotion and protection of cultural rights, and to submit proposals and/or recommendations to the Human Rights Council on possible actions in that regard;

(c) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of cultural rights through concrete proposals enhancing subregional, regional and international cooperation in that regard;

(d) To study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors, including in particular the United Nations Educational, Scientific and Cultural Organization, with the aim of further promoting cultural rights;

(e) To integrate a gender and disabilities perspective into his or her work;

(f) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council, the Committee on Economic, Social and Cultural Rights and the United Nations Educational, Scientific and Cultural Organization, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;

9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

10. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the Special Rapporteur;

11. *Requests* the Special Rapporteur to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

12. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

52nd meeting
22 March 2012

[Adopted without a vote.]

19/7
The right to food

The Human Rights Council,

Recalling all previous resolutions of the General Assembly and the Human Rights Council on the right to food, in particular Assembly resolution 65/220 of 21 December 2010 and Council resolutions 13/4 of 24 March 2010 and 16/27 of 25 March 2011, as well as all resolutions of the Commission on Human Rights on the issue,

Recalling also the seventh special session of the Human Rights Council, at which the Council analysed the negative impact of the worsening of the world food crisis on the

realization of the right to food for all, and Council resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the right of everyone to adequate food, including the fundamental right of every person to be free from hunger, is recognized,

Bearing in mind the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Recalling the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted on 16 November 2009,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and international levels, is the essential foundation that will enable States to give adequate priority to food and nutrition security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food and nutrition security,

Convinced that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and nutrition security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Recognizing that, despite the efforts made, the problems of hunger and food and nutrition insecurity have a global dimension and that there has been insufficient progress made in reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

Recognizing also the complex character of the global food crisis as a combination of several major factors, including speculation on food commodities and macroeconomic factors, also affected negatively by environmental degradation, desertification and global

climate change, natural disasters and the lack of development and transfer of relevant technology to address this issue, particularly in developing countries and least developed countries, that are having a negative impact on the realization of the right to food, in particular in the said countries,

Concerned by the fact that the effects of the world food crisis continue to have serious consequences for the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis, and alarmed at the particular effects of this crisis on many net food-importing countries, especially on least developed countries in Africa, Asia, Latin America and the Caribbean,

Convinced that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

Recognizing the importance and positive role of smallholder farmers, including women, cooperatives and indigenous and local communities in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

Stressing the importance of reversing the substantial decline in assistance devoted to agriculture since 1980, both in real terms and as a share of total official development assistance, while noting the recent partial inversion of this trend,

Recalling the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers, in particular women farmers, and the most vulnerable groups, as well as national and international policies that are conducive to the realization of this right,

Recognizing the need to increase sustainable investment in agriculture from all relevant sources for the realization of the right to food,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the evolution of the world food crisis, which has been further aggravated by the world economic and financial crisis and seriously undermines the realization of the right to food for all, especially for one sixth of the world population, mainly in developing and least developed countries, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished is nine hundred and twenty five million worldwide, and that there is an additional one billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed twelve billion people;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food and nutrition insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Recognizes* the importance of smallholder farmers in developing countries, including women and local and indigenous communities, in ensuring food and nutrition security, reducing poverty and preserving ecosystems, and the need to assist their development;

7. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

8. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including, in particular, rural women and vulnerable groups;

9. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food and nutrition insecurity to integrate into and effectively implement a gender perspective and a human rights perspective in their relevant policies, programmes and activities regarding access to food;

10. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

11. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

12. *Underlines* the significance of national government policies and strategies on food production and poverty alleviation;

13. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the assistance necessary to increase food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid ensuring food and nutrition security, with a special focus on the gender-sensitive dimension;

14. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2, thereof, in particular with regard to the right to adequate food;

15. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all the measures necessary to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

16. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts, as well as in programmes, practices and policies to scale up agroecological approaches, and encourages States and donors, both public and private, to examine and consider ways to integrate, where applicable and according to national contexts, the recommendations contained in the latest report of the Special Rapporteur on the right to food[18] in policies and programmes;

17. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farmers, in particular women farmers, and that these people are especially vulnerable to food and nutrition insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food and nutrition security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and the provision of the right to food;

18. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in countries experiencing serious drought and/or desertification, particularly in Africa;

19. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concern over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

[18] A/HRC/19/59 and Corr.1.

20. *Requests* all States and private actors, and international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

21. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food and nutrition security;

22. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

23. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

24. *Calls for* the early conclusion and a successful, development-oriented outcome of the Doha Round of trade negotiations of the World Trade Organization as a contribution to creating international conditions permitting the full realization of the right to food;

25. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

26. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

27. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

28. *Recognizes* that the commitments made at the World Food Summit in 1996 to halve the number of people who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States and international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding for realizing the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

29. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other diseases;

30. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

31. *Stresses* the importance of international cooperation and development assistance, as an effective contribution to both the expansion and improvement of agriculture and its environmental sustainability, and the provision of humanitarian food

assistance in activities relating to emergency situations for the realization of the right to food and the achievement of sustainable food and nutrition security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

32. *Reaffirms* the commitment made in the ministerial declaration of the 2009 high-level segment of the Economic and Social Council to eliminating hunger and to securing food for all, today and tomorrow, and reiterates that relevant United Nations organizations should be assured the resources needed to expand and enhance their food assistance, and support safety net programmes designed to address hunger and malnutrition, when appropriate, through the use of local and regional purchase;

33. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

34. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa, in particular in the Horn of Africa and in the Sahel, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including southern Africa;

35. *Encourages* developing countries to establish regional arrangements, where they do not exist, with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food and nutrition security, in particular in developing countries that have scarce fertile land;

36. *Welcomes* the adoption by the Food and Agriculture Organization of the United Nations of a regional approach towards ensuring food and nutrition security, and expresses its appreciation for the current collaboration with all Rome-based institutions working comprehensively towards the realization of the right to food;

37. *Encourages* the Special Rapporteur on the right to food and the Working Group on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

38. *Encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

39. *Expresses concern* at the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and the increased price volatility of agricultural commodities on international markets, particularly on people in developing countries and on net food-importing countries;

40. *Stresses* the need to address the root causes of excessive food price volatility, including its structural causes, at all levels, and the need to manage the risks linked to high

and excessively volatile prices in agriculture commodities and their consequences for global food and nutrition security;

41. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Human Rights Council;

42. *Takes note with appreciation* of the report of the Special Rapporteur[1] and the recommendations contained therein;

43. *Calls upon* all States and, if appropriate, relevant international organizations:

(a) To combat the different forms of malnutrition as a means to realize the right to adequate food, including, if appropriate, by adopting a national strategy in this regard;

(b) To take measures and support programmes which are aimed at combating the irreversible effects of chronic undernutrition in early childhood, in particular by targeting the first thousand days of a child's life;

(c) To support the national plans and programmes of countries to improve nutrition in poor households, in particular plans and programmes that are aimed at combating undernutrition in mothers and children, and those targeting the irreversible effects of chronic undernutrition in early childhood, from gestation to the age of two years;

44. *Supports* the fulfilment of the mandate of the Special Rapporteur, as extended for a period of three years by the Human Rights Council in its resolution 13/4, and takes note with appreciation of the work conducted by the Special Rapporteur in the fulfilment of his mandate;

45. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his mandate and regular reports, to keep the Human Rights Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

46. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the continuation of the effective fulfilment of the mandate of the Special Rapporteur;

47. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

48. *Notes* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

49. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,

adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool in the promotion of the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

50. *Acknowledges* the work being carried out by the Human Rights Council Advisory Committee on the right to food and, in that regard, takes note of its submission to the Council of the study on severe malnutrition and childhood diseases with children affected by noma as an example,[19] including the human rights principles and guidelines to improve the protection of children at risk or affected by malnutrition, specifically at risk of or affected by noma, annexed thereto, and encourages States to implement those principles;

51. *Takes note* of the final study of the Advisory Committee on the advancement of the rights of peasants and other people working in rural areas;[20]

52. *Also takes note* of the preliminary study on the promotion of human rights of the urban poor: strategies and best practices,[21] prepared by the Advisory Committee, and requests that the final study on this topic be presented to the Human Rights Council at its twenty-second session;

53. *Further takes note* of the concept note for the preliminary study on rural women and the right to food, prepared by the Advisory Committee, and requests the Committee to continue to undertake a comprehensive study in that regard;

54. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and programmes and all other relevant stakeholders on the preliminary studies mentioned in paragraphs 52 and 53 above, so that the Advisory Committee may take them into account for the conclusion of its final studies;

55. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

56. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task by supplying all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

57. *Recalls* the requests made by the General Assembly, in its resolution 66/158, that the Special Rapporteur submit to the Assembly an interim report at its sixty-seventh session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

58. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

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[19] A/HRC/19/73.
[20] A/HRC/19/75.
[21] A/HRC/AC/8/5.

59. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-second session;

60. *Decides* to continue consideration of this matter under the same agenda item at its twenty-second session.

52nd meeting
22 March 2012

[Adopted without a vote.]

19/8
Freedom of religion or belief

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, and other relevant human rights provisions,

Recalling further Human Rights Council resolution 16/13 of 24 March 2011, and other resolutions adopted by the General Assembly and the Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Stressing that everyone should be able to live safely, regardless of his or her religion or belief,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Noting with regret that no part of the world is exempt from religious intolerance, discrimination and violence,

Expressing solidarity with States and individuals combating violence against persons belonging to religious minorities, and paying tribute to the commitment of States to prevent these acts,

Underlining that educational institutions may offer unique possibilities for constructive dialogue among all parts of society, and that human rights education in particular can contribute to the elimination of negative stereotypes that often adversely affect members of religious minorities,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses the role that these rights

can play in the fight against all forms of intolerance and discrimination based on religion or belief;

3. *Also emphasizes* the importance of the promotion of religious tolerance and respect for diversity in view of creating an environment conducive to the full enjoyment of freedom of religion or belief;

4. *Expresses deep* concern at emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as instances of religious intolerance, discrimination and violence, inter alia:

(a) The increasing number of acts of violence directed against individuals and or persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals and persons belonging to religious minorities;

(c) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by derogatory stereotyping, negative profiling and the stigmatization of persons on the basis of their religion or belief;

(d) Attacks on religious places, sites and shrines, as well as vandalism of cemeteries, in violation of international law, in particular human rights and humanitarian law;

5. *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

6. *Also condemns* violence and acts of terrorism, which are increasing in number, targeting persons belonging to religious minorities across the world;

7. *Emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious community concerned;

8. *Also emphasizes* that States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

9. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction by, inter alia, the provision of access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief, and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief in their access to, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international human rights obligations, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through the educational system and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

10. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and takes note of different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and also encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Calls upon* States to make use of the potential of education for the eradication of prejudices and stereotypes against members of other religions or beliefs;

13. *Welcomes* the work of the Special Rapporteur on freedom of religion or belief, takes note with interest of his report,[22] and requests him to submit a report annually to the Human Rights Council in accordance with its annual programme of work;

14. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/9
Birth registration and the right of everyone to recognition everywhere as a person before the law

The Human Rights Council,

Guided by the purposes and principles contained in the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Recalling the obligation of States to register all children immediately after birth as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and other relevant international instruments,

Recalling also resolutions adopted by the General Assembly and the Human Rights Council in which they called upon States to ensure the registration of all children immediately after birth, the most recent being Assembly resolution 65/197 of 21 December 2010 and Council resolution 16/12 of 24 March 2011,

Recognizing the importance of birth registration, including late birth registration, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law; expressing concern that unregistered individuals have limited or no access to services and enjoyment of all the rights to which they are entitled; also taking into consideration that persons without birth registration may be

[22] A/HRC/19/60.

vulnerable to statelessness and associated lack of protection; and aware that registering a person's birth is a vital step towards his or her protection,

Recognizing also the importance of birth registration, including late birth registration, for the development of vital statistics and the effective implementation of programmes and policies intended to achieve internationally agreed development goals, including the Millennium Development Goals,

1. *Expresses concern* at the high number of persons throughout the world whose birth is not registered;

2. *Reminds* States of their obligation to undertake birth registration without discrimination of any kind;

3. *Calls upon* States to establish or strengthen existing governmental institutions responsible for birth registration and the preservation and security of such records, and to ensure they have sufficient resources to fulfil their mandate;

4. *Also calls upon* States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind;

5. *Further calls upon* States to continuously raise awareness at the national and local levels of birth registration, including by engagement in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of all rights;

6. *Urges* States to identify and remove physical, administrative and any other barriers that impede access to birth registration, including late birth registration, paying due attention to, among others, those barriers relating to poverty, disability, multicultural contexts and persons in vulnerable situations;

7. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes, including the United Nations Children's Fund, the United Nations Population Fund, the Department of Economic and Social Affairs, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme, and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means to respect the right of everyone to be recognized everywhere as a person before the law;

8. *Invites* the above-mentioned United Nations bodies, agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request;

9. *Decides* to consider this issue in accordance with its annual programme of work.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/10
Human rights and the environment

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling Human Rights Council resolutions relevant to the relationship between human rights and the environment, including resolution 16/11 of 24 March 2011 on human rights and the environment, resolutions 7/23 of 28 March 2008, 10/4 of 25 March 2009 and 18/22 of 30 September 2011 on human rights and climate change, resolutions 9/1 of 24 September 2008 and 12/18 of 2 October 2009 on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, and resolution 18/11 of 29 September 2011 on the mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, as well as relevant Commission on Human Rights resolutions, including resolutions 2003/71 of 25 April 2003 and 2005/60 of 20 April 2005 on human rights and the environment as part of sustainable development,

Bearing in mind General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, and Human Rights Council resolution 16/21 of 25 March 2011,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further the Declaration of the United Nations Conference on the Human Environment, the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development,

Recalling the principles of the Rio Declaration on Environment and Development,

Cognizant of the importance of the United Nations Conference on Sustainable Development, to be held in Rio de Janeiro, Brazil, in June 2012,

Reaffirming the Millennium Development Goals, in particular Goal 7 on ensuring environmental sustainability, as well as the commitments made by the international community, as contained in the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly,[23] to make every effort to achieve the Millennium Development Goals,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environment needs of present and future generations equitably, and that the human person is the central subject of development and should be the active participant and beneficiary of the right to development,

Recalling the guiding principles on business and human rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

Mindful that certain aspects of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment require further study and clarification,

[23] See resolution 65/1.

1. *Notes with appreciation* the analytical study on the relationship between human rights and the environment submitted by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 16/11;[24]

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, whose tasks will be:

(a) To study, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions, the human rights obligations, including non-discrimination obligations, relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(b) To identify, promote and exchange views on best practices relating to the use of human rights obligations and commitments to inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and, in that regard, to prepare a compendium of best practices;

(c) To make recommendations, consistent with her or his mandate, that could help the realization of the Millennium Development Goals, in particular Goal 7;

(d) To take into account the results of the United Nations Conference on Sustainable Development to be held in June 2012, and to contribute a human rights perspective to follow-up processes;

(e) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities;

(f) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies and the treaty bodies, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(g) To submit a first report, including conclusions and recommendations, to the Human Rights Council at its twenty-second session and annually thereafter;

3. *Requests* the High Commissioner to ensure that the Independent Expert receives the resources necessary to enable him or her to discharge the mandate fully;

4. *Calls upon* all States, United Nations agencies, other relevant international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Independent Expert, and invites them to share best practices with the Independent Expert and to provide him or her with all the necessary information relating to the mandate to enable him or her to fulfil the mandate;

5. *Encourages* the Office of the High Commissioner to participate in the United Nations Conference on Sustainable Development in order to promote a human rights perspective;

[24] A/HRC/19/34.

6. *Decides* to continue its consideration of the matter under the same agenda item at its twenty-second session.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/11
Rights of persons with disabilities: participation in political and public life

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming also all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 16/15 of 24 March 2011, and welcoming the efforts of all stakeholders to implement those resolutions,

Reaffirming further the right to participate in political and public life, as set out in article 21 of the Universal Declaration of Human Rights, which states that everyone has the right to take part in the Government of his or her country directly, or through freely chosen representatives, and the right of equal access to public service, as well as, inter alia, article 25 of the International Covenant on Civil and Political Rights and, most recently and with regard to persons with disabilities, in article 29 of the Convention on the Rights of Persons with Disabilities,

Recalling that the above-mentioned article 29 of the Convention reaffirms the right of persons with disabilities to participate in political and public life, and that parties to the Convention are required to guarantee political rights to persons with disabilities and adopt all appropriate measures to ensure that they enjoy these rights on an equal basis with others,

Recognizing that progress has been made, yet deeply concerned that many persons with disabilities in all regions continue to be denied their right to participate in political and public life on an equal basis with others, and noting that the exclusion or restriction of political rights of persons with disabilities on the basis of disability constitutes discrimination contrary to the Convention on the Rights of Persons with Disabilities,

Emphasizing that full and effective participation and inclusion in society is a general principle of the Convention on the Rights of Persons with Disabilities, and thus that participation in political and public life on an equal basis with others is closely interrelated with and interdependent on other Convention provisions, including those that require States parties to ensure non-discrimination and accessibility and to recognize legal capacity and the right to participate in the community on an equal basis with others,

Recognizing that women and girls with disabilities are subject to multiple forms of discrimination, including in their participation in political and public life,

1. *Welcomes* the fact that, to date, one hundred and fifty three States have signed and one hundred and nine States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that ninety States have signed and sixty six States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration

organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on participation in political and public life by persons with disabilities prepared by the Office of the United Nations High Commissioner for Human Rights, [25] and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Calls upon* States parties to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity for persons with disabilities to vote and be elected, and to participate in the conduct of public affairs;

5. *Also calls upon* States parties to adopt and implement appropriate measures to ensure that persons with disabilities can participate effectively and fully in political and public life on an equal basis with others, including by, inter alia:

(a) Providing persons with disabilities with access to the support they may require in exercising their legal capacity and, where necessary, and at their request, allowing assistance in voting by a person of their own choice;

(b) Providing reasonable accommodation and eliminating barriers that prevent or limit effective and full participation in political and public life, including physical and communication barriers, such as inaccessible polling stations or the lack of election information or materials in accessible formats;

(c) Protecting the right to vote by secret ballot and the right to stand for elections and to effectively hold office, and to have access to public service positions, including by providing reasonable accommodation;

(d) Promoting public awareness campaigns and training programmes relevant to the exercise of political rights by persons with disabilities, and ensuring an inclusive education system directed at, inter alia, the strengthening of respect for human rights, including political rights;

(e) Adopting measures to encourage the active involvement of persons with disabilities in non-governmental organizations and associations concerned with public and political life, including political parties, community-based organizations and public boards, as well as the forming and joining of organizations of persons with disabilities at the local, regional, national and international levels;

6. *Further calls upon* States parties to ensure that measures to assist persons with disabilities in their participation in political and public life are consistent with the Convention, including the general principle of inclusion in society;

7. *Urges* States parties to review any existing exclusion or restriction of political rights for persons with disabilities, including those persons with psychosocial, mental or intellectual disabilities, and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

[25] A/HRC/19/36.

8. *Calls upon* States parties, in adopting and implementing measures to ensure that persons with disabilities have the opportunity to participate effectively and fully in political and public life, including the conduct of public affairs on an equal basis with others, to consult closely with and actively involve persons with disabilities;

9. *Also calls upon* States and invites other relevant stakeholders, including national monitoring mechanisms, to collect appropriate information, including statistical and research data, to enable the formulation and implementation of policies relating to participation in political and public life of persons with disabilities;

10. *Encourages* all relevant actors in the design of products, environments, programmes and services relating to participation in political and public life to pay due attention to universal design, which requires the consideration of the needs of all members of society in order to avoid the need for any subsequent adaptation or specialized design;

11. *Also encourages* all relevant actors in undertaking measures of international cooperation, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, to consider appropriate and effective measures in support of national efforts to enhance enjoyment of political rights by persons with disabilities on an equal basis with others, such as by facilitating the use of assistive and new technologies relevant to participation in political and public life;

12. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with Human Rights Council resolution 7/9 of 27 March 2008;

13. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its twenty-second session, and that it will focus on the work and employment of persons with disabilities;

14. *Requests* the Office of the High Commissioner to prepare a study on the work and employment of persons with disabilities, in consultation with States and other relevant stakeholders, including the International Labour Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the twenty-second session of the Human Rights Council;

15. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the session referred to in paragraph 13 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

16. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

17. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/12
Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling Human Rights Council resolution 16/9 of 24 March 2011, General Assembly resolution 66/175 of 19 December 2011, and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,[26] and expressing serious concern at the developments noted in that report as well as the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its twenty-second session and to the General Assembly at its sixty-seventh session;

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit him access to visit the country as well as to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 22 to 5, with 20 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Botswana, Chile, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Maldives, Mauritania, Mexico, Norway, Peru, Poland, Republic of Moldova, Romania, Senegal, Spain, Switzerland, United States of America

Against:

Bangladesh, China, Cuba, Qatar, Russian Federation

[26] A/HRC/19/66.

Abstaining:

Angola, Burkina Faso, Cameroon, Congo, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Mauritius, Nigeria, Philippines, Saudi Arabia, Thailand, Uganda, Uruguay]

19/13
The situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 16/8 of 24 March 2011 and Assembly resolution 66/174 of 19 December 2011, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Welcoming the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[27] and urging the implementation of the recommendations contained therein,

Deeply concerned at the persisting deterioration in the human rights situation in the Democratic People's Republic of Korea, at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the country and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him and allow him access to the country,

Expressing its serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report on its universal periodic review[28] in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the

[27] A/66/343 and A/HRC/19/65.

[28] A/HRC/13/13.

Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

Alarmed by the precarious humanitarian situation in the country, exacerbated by its national policy priorities,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring access to adequate food,

Recognizing the particular vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

Reaffirming the importance of States' engaging fully and constructively with the universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their human rights situations,

1. *Expresses its very serious concern* at the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 16/8, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all information necessary to enable him to fulfil his mandate;

5. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

6. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

7. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

8. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Human Rights Council and to the General Assembly.

53rd meeting
22 March 2012

[Adopted without a vote.]

19/14
Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 66/80 of 9 December 2011, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[29] and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being resolution 16/17 of 24 March 2011,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

[29] A/66/370.

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[1]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 25 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its twenty-second session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its twenty-second session.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait,

Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Cameroon, Czech Republic, Guatemala, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland]

19/15
Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights,[30] and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples, and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter, relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-

[30] A/CONF.157/23.

determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity, and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue consideration of this question at its twenty-second session.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America]

19/16
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Recalling also the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Recalling further relevant resolutions of the Human Rights Council,

Taking note of the recent reports of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Palestinian territories occupied since 1967, as well as of other relevant recent reports of the Human Rights Council,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice, and recalling also General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm el-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,

Stressing also the need to end the closure of the Gaza Strip and for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 15 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip, taking into account Israeli concerns,

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children, women and non-violent, peaceful demonstrators; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the destruction of property and infrastructure; and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned in particular about the critical humanitarian and security situation in the Gaza Strip, including that resulting from the prolonged closures and severe economic and movement restrictions that in effect amount to a blockade and the military operations between December 2008 and January 2009, which caused extensive loss of life and injury, particularly among Palestinian civilians, including children and women, widespread destruction and damage to Palestinian homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities and the internal displacement of civilians, as well as about the firing of rockets into Israel,

Expressing deep concern about the short- and long-term detrimental impact of such widespread destruction and the continued impeding of the reconstruction process by Israel,

the occupying Power, on the human rights situation and on the socio-economic and humanitarian conditions of the Palestinian civilian population,

Also expressing deep concern at the Israeli policy of closures and the imposition of severe restrictions, checkpoints, several of which have been transformed into structures akin to permanent border crossings, and a permit regime, all of which obstruct the freedom of movement of persons and goods, including medical and humanitarian goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and impair the Territory's contiguity, and at the consequent violation of the human rights of the Palestinian people and the negative impact on their socio-economic situation and the efforts aimed at rehabilitating and developing the Palestinian economy, which remains that of a humanitarian crisis in the Gaza Strip, while taking note of recent developments with regard to the situation of access there,

Further expressing deep concern that thousands of Palestinians, including many children and women and elected members of the Palestinian Legislative Council, continue to be detained and held in Israeli prisons or detention centres under harsh conditions, including, inter alia, unhygienic conditions, solitary confinement, lack of proper medical care, denial of family visits and denial of due process, that impair their well-being, and expressing deep concern also about the ill-treatment and harassment of any Palestinian prisoners and all reports of torture,

Expressing concern about the possible consequences of the enactment by Israel, the occupying Power, of military orders regarding the detention, imprisonment and deportation of Palestinian civilians from the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard the prohibition under international humanitarian law of the deportation of civilians from occupied territories,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Taking note of the continued efforts and tangible progress made in the security sector by the Palestinian Authority, calling upon the parties to continue cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Emphasizing the right of all people in the region to the enjoyment of human rights as enshrined in the international human rights covenants,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, including the killing and injury of civilians, the arbitrary detention and imprisonment of civilians and the destruction and confiscation of civilian property, and that it fully respect human rights law and comply with its legal obligations in this regard;

3. *Also demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949 and cease immediately all measures and actions taken in violation and in breach of the Convention;

4. *Further demands* that Israel, the occupying Power, cease all of its settlement activities, the construction of the wall and any other measures aimed at altering the character, status and demographic composition of the Occupied Palestinian Territory, including in and around East Jerusalem, all of which have, inter alia, a grave and detrimental impact on the human rights of the Palestinian people and the prospects for a peaceful settlement;

5. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, particularly in the Gaza Strip, which have caused extensive loss of life and vast numbers of injuries, including among children, massive damage and destruction to homes, properties, vital infrastructure and public institutions, including hospitals, schools and United Nations facilities, and agricultural lands, mosques and private media institutions, and internal displacement of civilians;

6. *Also condemns* the firing of rockets against Israeli civilian areas resulting in loss of life and injury;

7. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in General Assembly resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has had a grave impact on the human rights and the socio-economic living conditions of the Palestinian people;

8. *Reiterates* the need for respect for the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including movement into and from East Jerusalem, into and from the Gaza Strip, between the West Bank and the Gaza Strip, and to and from the outside world;

9. *Calls upon* Israel, the occupying Power, to cease its imposition of prolonged closures and economic and movement restrictions, including those amounting to a blockade on the Gaza Strip, and, in this regard, to fully implement the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing in order to allow for the sustained and regular movement of persons and goods and for the acceleration of long overdue reconstruction in the Gaza Strip;

10. *Urges* Member States to continue to provide emergency assistance to the Palestinian people to alleviate the financial crisis and the dire socio-economic and humanitarian situation, particularly in the Gaza Strip;

11. *Emphasizes* the need to preserve and develop the Palestinian institutions and infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of human rights, including civil, political, economic, social and cultural rights;

12. *Decides* to remain seized of the matter.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 44 to 1, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Cameroon, Guatemala]

19/17
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

Mindful that Israel is a party to the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, are illegal under international law and constitute very serious

violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling the statement made by the Quartet on 21 September 2010 and its attachment to the implementation by the parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict, and noting specifically its call for a freeze on all settlement activities,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967,

1. *Welcomes* the conclusions of the Council of the European Union on the Middle East peace process of 8 December 2009, in which the Council reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank, and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the Occupied Palestinian territory, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to stop immediately all settlement activities, including in East Jerusalem;

3. *Condemns* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the West Bank and around occupied East Jerusalem, as they undermine the peace process, constitute a threat to the two-State solution and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law, and calls upon the Government of Israel to reverse immediately its decisions, which would further undermine and jeopardize the ongoing efforts by the

international community to reach a final settlement compliant with international legitimacy, including relevant United Nations resolutions;

4. *Expresses its grave concern* at:

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The increasing number of newly built structures, in 2008, 2009, 2010, 2011 and 2012 amounting to several thousands, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(c) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including the settlements located in the Jordan Valley;

(d) The expansion of Israeli settlements and the construction of new ones on the occupied Palestinian territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent, in which case it would be tantamount to de facto annexation;

(e) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

5. *Urges* Israel, the occupying Power:

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities, including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

8. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including

resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

9. *Decides* to dispatch an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, with a mandate ending on submission of a report to the Council, and calls upon Israel, the occupying Power, not to obstruct the process of investigation and to cooperate fully with the mission;

10. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all administrative, technical and logistical assistance to enable the mission to fulfil its mandate promptly and efficiently;

11. *Requests* the Secretary-General to report on the implementation of the present resolution at its twentieth session;

12. *Decides* to remain seized of the matter.

53rd meeting
22 March 2012

[Adopted by a recorded vote of 36 to 1, with 10 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Chile, China, Congo, Cuba, Djibouti, Ecuador, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Switzerland, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Cameroon, Costa Rica, Czech Republic, Guatemala, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain]

19/18
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

See chapter I.

19/19
Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming Human Rights Council decision 2/112 of 27 November 2006 and Council resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009 and 13/26 of 26 March 2010, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, and 66/171 of 19 December 2011, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Reaffirms* its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

4. *Deeply deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;

5. *Welcomes* the holding, on 1 June 2011 and pursuant to decision 16/116 of the Human Rights Council, of a panel discussion on the issue of human rights of victims of terrorism, which raised awareness of the importance of addressing the human rights of victims of terrorism in the determined effort by the international community to deal with the scourge of terrorism and as part of a comprehensive counter-terrorism policy that respects human rights and fundamental freedoms;

6. *Reaffirms* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

7. *Recognizes* the work carried out by the special procedures of the Human Rights Council in the promotion and protection of human rights and fundamental freedoms while countering terrorism;

8. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

9. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective

remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;

10. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

11. *Calls upon* States, while countering terrorism, to safeguard the right to privacy in accordance with international law, and urges them to take measures to ensure that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

12. *Notes with concern* measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the unlawful deprivation of the right to life, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures;

13. *Stresses* that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law;

14. *Urges* States, while countering terrorism, to respect the rights to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

15. *Reiterates* the concerns expressed by the General Assembly in its resolution 64/168 with regard to measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of their liberty, regardless of the place of arrest or detention, enjoy the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees;

16. *Takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism;[31]

17. *Takes note* of the compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism,[32] and appreciates the work of the Special Rapporteur in its elaboration at the request of the Human Rights Council;[33]

18. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

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[31] A/HRC/16/51.

[32] A/HRC/14/46.

[33] See Human Rights Council resolution 10/15.

19. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

20. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism,[34] as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158 on the protection of human rights and fundamental freedoms while countering terrorism, and requests the High Commissioner to continue her efforts in this regard;

21. *Encourages* the United Nations, bodies, agencies, funds and programmes involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

22. *Requests* the High Commissioner and the Special Rapporteur to contribute further, appropriately, to the ongoing discussion regarding the efforts of States Members of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on and removing individuals and entities from terrorism-related sanctions lists;

23. *Recalls* that the General Assembly, in its resolution 66/171, recognized the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomed and encouraged the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

24. *Stresses the importance* that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance relating to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Human Rights Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

25. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

54th meeting
23 March 2012

[Adopted without a vote.]

[34] A/HRC/16/50.

19/20
The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling Human Rights Council resolution 7/11 of 27 March 2008 and all other resolutions relevant to the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Welcoming the resolve of States parties to the United Nations Convention against Corruption, and the commitment made by all States in the 2005 World Summit Outcome[35] to make the fight against corruption a priority at all levels, and noting with interest the provisions of the Convention that have led to the development of a mechanism among States parties to review their progress in combating corruption,

Noting the ongoing work by several important initiatives towards the deepening of good governance practices at the national, regional and international levels,

Recognizing the importance of a conducive environment, at both the national and international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the right to development,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger and, in this context, reaffirming the Millennium Declaration, the 2005 World Summit Outcome and the outcome of the 2010 High-level Summit on the Millennium Development Goals,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil all their human rights obligations,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing that effective anti-corruption measures and the protection of human rights, including through strengthening transparency and accountability in government, are mutually reinforcing,

Noting with interest the outcome of the third and fourth sessions of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in 2009, and in Marrakech, Morocco, in 2011,

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[35] General Assembly resolution 60/1.

Stressing the importance of policy coherence and coordination in intergovernmental processes in the area of the promotion and protection of human rights, on the one hand, and of anti-corruption initiatives, on the other,

Stressing also the importance of developing and implementing national legislation on the promotion of access to information and of strengthening the administration of justice, transparency, accountability and good governance at all levels,

Reaffirming the right of every citizen to have access, in general terms of equality, to public service in his/her country as enshrined in article 21 of the Universal Declaration of Human Rights and article 25 (c) of the International Covenant on Civil and Political Rights,

Recognizing that a professional, accountable and transparent public service upholding the highest standards of efficiency, competence and integrity is one of the essential components of good governance,

Recognizing also that the knowledge, training and awareness of public servants, as well as the promotion of a human rights culture within the public service, play a vital role in promoting respect for and the realization of human rights in society,

1. *Welcomes* the growing trend towards the universal ratification of the United Nations Convention against Corruption, and encourages States that have not yet done so to consider ratifying this important international instrument;

2. *Underlines* that the primary responsibility lies with States at the national level, including through their Constitutional provisions and other enabling legislation, consistent with their international obligations, to ensure that professional public services uphold the highest standards of efficiency, competence and integrity, and are predicated on good governance principles, including impartiality, rule of law, transparency, accountability and combating corruption, and stresses the importance of human rights training and education in this regard;

3. *Invites* the Secretary-General to ensure the upholding of the integrity of the United Nations system in its service of humanity, and improved coordination between United Nations agencies, programmes and funds, with a view to ensuring that the United Nations system continues to improve the quality of its work at all levels, including in support of objectives and priorities at the national level;

4. *Invites* all States, United Nations agencies, programmes and funds, as well as national human rights institutions and non-governmental organizations, to provide the Office of the United Nations High Commissioner for Human Rights with information on good practices and their views regarding the organization, training and education of the public service, to ensure the promotion and protection of and respect for human rights, impartiality, accountability, transparency and the highest standards of efficiency, competence and integrity, as well as other activities developed to assist and support the public service at the national, regional and international levels;

5. *Requests* the High Commissioner to prepare, in consultation with relevant United Nations agencies, programmes and funds, and to present to the Human Rights Council at its twenty-fourth session, a report outlining the role of the public service as an essential component of good governance in the promotion and protection of human rights, including a compilation of good practices based on information received from the above-mentioned stakeholders.

54th meeting
23 March 2012

[Adopted without a vote.]

19/21
Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 16/24 of 25 March 2011 and General Assembly resolution 66/230 of 24 December 2011,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar,[36] as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of his visits to the country from 21 to 25 August 2011 and from 31 January to 5 February 2012,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of the people of Myanmar, reiterating that many serious human rights concerns remain and should be addressed, and acknowledging the publicly stated commitment of the President of Myanmar in this regard,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the recent positive developments in Myanmar and acknowledges the stated commitment of the Government of Myanmar to continue democratization and national reconciliation processes, while emphasizing that those processes should aim at the achievement of the full restoration of democracy, enjoyment of human rights and fundamental freedoms for all, and accountability for all violations of human rights;

2. *Also welcomes* the engagement of the Government of Myanmar with Daw Aung San Suu Kyi and opposition parties, including through the amendment of relevant electoral laws, as an important step towards enabling wider participation of political parties, including the National League for Democracy, in the by-elections of 1 April 2012, and urges the Government to work towards establishing a credible, inclusive and sustained process of close and ongoing dialogue with the democratic opposition and political, ethnic and civil society groups and actors leading to national reconciliation and lasting peace in Myanmar;

3. *Expresses grave concern* at remaining serious human rights violations, and strongly calls upon the Government of Myanmar to put an end to all violations of international human rights and humanitarian law, to undertake, without delay and with appropriate attention from the United Nations, a full, transparent and independent investigation into all reports of such violations, past and present, and to bring to justice those responsible in order to end impunity for such acts;

4. *Welcomes* the release of a substantial number of prisoners of conscience, while expressing concern over reports on the conditions attached to some of the releases, and strongly urges the Government of Myanmar to desist from further politically motivated arrests, to establish a dialogue with all relevant stakeholders, including the Special Rapporteur, in order to clarify the status and the number of the remaining prisoners of

[36] A/66/365 and A/HRC/19/67.

conscience, and to release such prisoners, without delay or conditions, and allow their full participation in the political process;

5. *Urges* the Government of Myanmar to ensure that the by-elections of 1 April are free, inclusive, transparent and fair, from the campaign period and the advance voting stage through to vote counting and the announcement of results, including by seeking technical cooperation and the presence of international election observers and drawing lessons from the 2010 elections;

6. *Notes with appreciation* as a first step the invitation of the Government of Myanmar extended to States members of the Association of Southeast Asian Nations, the secretariat of the Association, the diplomatic corps based in Yangon, the United Nations and regional and international organizations to participate in an observation tour of the by-elections of 1 April;

7. *Welcomes* the increasing space for political activity, assembly, speech and the press and the stated intention of the Government of Myanmar to carry out media reform and open up space for the media, and strongly calls upon the Government to take further steps to ensure the freedom of assembly, association, movement and expression for all people in Myanmar;

8. *Also welcomes* the invitation extended to the International Committee of the Red Cross to provide technical assistance in three prisons, and urges the Government of Myanmar to allow it to expand activities in accordance with its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

9. *Expresses its serious concern* at the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic and religious minorities, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and in particular to recognize the right of members of the Rohingya ethnic minority in Northern Rakhine State to nationality and to protect all of their human rights;

10. *Welcomes* the continuation of peace talks between the Government of Myanmar and some ethnic groups and the establishment of ceasefires with a number of them, while expressing deep concern about the continuing armed conflict in some ethnic areas, especially in Kachin State and the northern Shan State, and calls upon the authorities and all armed groups to protect the civilian population and to respect their human rights, in particular those of children and women, in all parts of the country, and to use political means to maintain or re-establish ceasefire agreements with a view to ending armed conflicts in the country, with an inclusive political process also being a vital step towards ensuring long-term peace and national reconciliation;

11. *Calls upon* the Government of Myanmar to continue to implement the recommendations of the Special Rapporteur and those received during the universal periodic review, as well as the calls contained in the above-mentioned Human Rights Council and General Assembly resolutions, in particular:

(a) To make national efforts to establish truth, justice and accountability measures for gross and systematic human rights violations, in consultation with relevant stakeholders, including victims of those violations, bearing in mind that such measures are fundamental for national reconciliation and democratic transition;

(b) To urgently address the continued reports of attacks against civilian populations, extrajudicial killings, internal displacement, the use of human shields and forced labour, confiscation and destruction of property, and sexual violence in ethnic conflict areas, while continuing to express concern that previous calls to end impunity have not been heeded;

(c) To accelerate and conclude efforts for an independent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law while engaging fully with all relevant stakeholders;

(d) To address, as a matter of urgency and through proper investigations, consistent reports of torture and ill-treatment of prisoners, and to improve detention and prison conditions;

(e) To allow human rights defenders to pursue safely, and in an unrestricted manner, activities consistent with the exercise of internationally recognized human rights and fundamental freedoms;

(f) To cooperate fully with humanitarian organizations in order to ensure full and unhindered humanitarian access to all parts of Myanmar, including conflict and border areas, as well as the delivery of humanitarian assistance to all persons in need, including displaced persons and refugees;

(g) To extend invitations to thematic special procedures, to continue acceding to the remaining international core human rights treaties, and to consolidate dialogue and cooperation with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

12. *Strongly calls* for an immediate end to the continuing recruitment and use of child soldiers by all parties, welcomes the recent engagement of the Government of Myanmar on this issue, and urges the Government to intensify measures to ensure the protection of children from armed conflict, to give due regard to the recommendations of the Committee on the Rights of the Child, and to pursue full collaboration with the Special Representative of the Secretary-General for children and armed conflict, including by signing, without delay, a plan of action with the United Nations, facilitating dialogue with other parties listed in the annual report of the Secretary-General on children and armed conflict,[37] and granting unhindered access to all areas where children are recruited;

13. *Calls upon* the Government of Myanmar to ensure the independence, impartiality and effectiveness of the judiciary and the independence of lawyers, and to guarantee due process of law, and emphasizes to this end the need to pay due attention to judicial reforms, as well as to capacity-building and the training of judges and lawyers to address continuing concerns;

14. *Notes with interest* the establishment of the Myanmar national human rights commission, and urges the Government of Myanmar to ensure the commission's independent, free, credible and effective functioning, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by seeking technical assistance from the Office of the High Commissioner and the international community;

15. *Welcomes* the prolongation, in January 2012, of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the signing of a memorandum of understanding for a joint strategy of action on the elimination of forced labour by 2015, the joint awareness-raising activities and other reported progress on changes in law and practice to eliminate the use of forced labour, including the repeal of the Village Act and the Towns Act and their replacement with the Ward or Village Tract Administration Act, and calls on the Government to explicitly make illegal the use of forced labour, noting that new legislation has not yet done so, and for the Government to intensify its cooperation with the International Labour Office, with a view

[37] A/HRC/18/38.

to extending action throughout the country against the continued practice of forced labour and effectively prosecuting forced labour perpetrators;

16. *Also welcomes* the coming into force of the Labour Organizations Law and the prior constructive consultation thereon with the International Labour Organization, and encourages its full implementation, including by means of the reversal or removal of any existing legislation and orders that pose obstacles to the full enjoyment of internationally recognized labour rights;

17. *Encourages* the international community to continue to support effectively the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of the democratic transitional process, and in its economic and social development;

18. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Human Rights Council resolutions 7/32 of 28 March 2008, 10/27 of 27 March 2009, 13/25 of 26 March 2010 and 16/24 of 25 March 2011, and, in addition, invites the Special Rapporteur to include in his next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building;

19. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits, and calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

20. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-seventh session, and to the Human Rights Council in accordance with its annual programme of work;

21. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.

54th meeting
23 March 2012

[Adopted without a vote.]

19/22
Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, and that all States are bound to promote and protect human rights and fundamental freedoms,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 16 February 2012, as well as Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011, S-18/1 of 2 December 2011 and 19/1 of 1 March 2012,

Deploring the refusal of the Syrian authorities to implement the above-mentioned resolutions, and the lack of cooperation with the commission of inquiry, established by the Human Rights Council in its resolution S-17/1, including the continued denial of access to the country

Deploring also the escalation of violence that has led to a grave and ongoing human rights crisis and increased human suffering, and the fact that the Syrian authorities have manifestly failed in their responsibility to protect the Syrian population,

Appalled at the ongoing and systematic brutal human rights violations by the Syrian authorities against the Syrian people,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting her encouragement to the Security Council to refer the situation to the International Criminal Court,

Welcoming all efforts, decisions and measures of the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps taken by the League to ensure the implementation of its Plan of Action, including its decisions of 2 November 2011 and 22 January, 12 February and 10 March 2012,

Welcoming also the appointment of the joint special envoy of the United Nations and the League of Arab States on the Syrian crisis, who is providing its good offices aimed at bringing an end to all violence and human rights violations and at promoting a peaceful solution to the Syrian crisis,

Welcoming further the holding of the first meeting of the Group of Friends of the Syrian People on 24 February 2012 in Tunis, and the outcome as reflected in the Chairman's conclusions,

Reaffirming that all involved in the current crisis must show respect for and act in conformity with human rights,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

1. Welcomes both reports of the commission of inquiry established pursuant to Human Rights Council resolution S-17/1[38] and the recommendations made therein, and expresses profound concern about the commission's findings that Government forces have committed widespread, systematic and gross human rights violations that may amount to crimes against humanity with the apparent knowledge and consent of the highest levels of the State;

2. *Condemns in the strongest terms*:

(a) The sharply escalating widespread, systematic and gross violations of human rights and fundamental freedoms perpetrated by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, refugees, human rights defenders and journalists, including recent deaths of Syrian and foreign journalists, arbitrary detention, enforced disappearances, torture and ill-treatment, including of adolescents and children;

(b) The attacks against civilians in cities and villages across the country, including the artillery bombardments of residential areas, the levels of excessive and indiscriminate force used consistently by units of the Syrian armed forces and diverse security forces, and the coordinated nature of these attacks, noting that there is credible and consistent evidence that these actions have been conducted on the orders of the authorities, including high-ranking military officers;

[38] A/HRC/S-17/2/Add.1 and A/HRC/19/69.

(c) The extensive violations of children's rights committed by the Syrian authorities, including the killing of children during demonstrations and the widespread practice of arbitrary detention, torture and ill-treatment;

(d) The sexual violence committed by the Syrian authorities, including against male detainees and children;

(e) The deliberate destruction of hospitals and clinics, the obstruction and denial of medical assistance to the injured and sick, and the raids and killing of wounded protesters in both public and private hospitals;

3. *Strongly urges* the Syrian authorities to put an immediate end to all violence and all human rights violations;

4. *Demands* that the Syrian authorities meet their responsibility to protect their population;

5. *Expresses its grave concern* at the prevailing systemic impunity for human rights violations and its entrenchment in legislation, awarding immunity for State Government officials;

6. *Stresses* that the widespread and systematic use of violence against Syrian civilians is contrary to international criminal law and requires that perpetrators be brought to justice;

7. *Acknowledges and is deeply troubled* by the commission of inquiry's finding that there is a reliable body of evidence that provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations;

8. *Stresses* the need to conduct an international, transparent, independent and prompt investigation into violations of international law with a view to hold to account those responsible for widespread, systematic and gross human rights violations, including those violations that may amount to crimes against humanity;

9. *Expresses deep concern* at the humanitarian situation and urges the Syrian authorities to ensure timely, safe and unhindered access for all humanitarian actors and to ensure the safe passage of humanitarian and medical supplies into the country;

10. *Invites* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, to provide support to Syrian refugees and their host countries;

11. *Demands* that the Syrian authorities:

(a) Respect the popular will, aspirations and demands of the Syrian people;

(b) Put an immediate end to all attacks against journalists, fully respect freedom of expression in line with international obligations, allow independent and international media to operate in the Syrian Arab Republic without restrictions, harassment, intimidation or risk to life, and ensure adequate protection for journalists;

(c) Take immediate steps to ensure the safety of foreign nationals in the Syrian Arab Republic, including refugees and diplomatic staff, as well as the protection of their property;

(d) Lift, without delay, the blockade of Homs, Dar'a, Zabadani and all other cities under siege;

12. *Commends and supports* the efforts and measures of the League of Arab States, and calls upon the Syrian authorities to implement the League's Plan of Action of 2 November 2011 in its entirety, as well as its decisions, without further delay;

13. *Demands* that the Government of the Syrian Arab Republic, in accordance with the Plan of Action of the League of Arab States of 2 November and its decisions of 22 January and 12 February 2012, without delay:

(a) Cease all violence and protect its population;

(b) Release all persons detained arbitrarily due to the recent incidents;

(c) Withdraw all Syrian military and armed forces from cities and towns, and return them to their original home barracks;

(d) Guarantee the freedom of peaceful demonstrations;

(e) Allow full and unhindered access and movement for all relevant institutions of the League of Arab States and Arab and international media in all parts of the Syrian Arab Republic to determine the truth about the situation on the ground and monitor the incidents taking place;

14. *Decides* to extend the mandate of the commission of inquiry established by the Human Rights Council in its resolution S-17/1, and requests the commission to continue its work, to provide an oral update to the Council at an interactive dialogue at its twentieth session and to present also a written updated report at an interactive dialogue at its twenty-first session;

15. *Requests* the commission of inquiry to conduct and continuously update a mapping exercise of gross violations of human rights since March 2011, including an assessment of casualty figures, and to publish it periodically;

16. *Invites* the Office of the United Nations High Commissioner for Human Rights to facilitate the safe and secure storage of information and evidence, gathered by the commission of inquiry, on violations and abuses of international human rights law in the Syrian Arab Republic since March 2011;

17. *Calls on* the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it unhindered access to the country;

18. *Repeats its call* upon the Syrian authorities to cooperate with the special procedures of the Human Rights Council and with the Office of the High Commissioner, including through the establishment of a field presence with a mandate to protect and promote human rights;

19. *Invites* the Secretary-General to take the measures necessary to support the efforts of the League of Arab States, if requested, to contribute to a peaceful solution to the situation in the Syrian Arab Republic consistent with the Charter of the United Nations and the League's decisions;

20. *Recommends* that the main bodies of the United Nations urgently consider the reports of the commission of inquiry and take appropriate action to address human rights violations, as well as crimes against humanity that may have been committed;

21. *Decides* to transmit the updated reports of the commission of inquiry to all relevant United Nations bodies and the Secretary-General for appropriate action, and requests the Secretary-General to present a report on the implementation of the present resolution to the Human Rights Council at its twentieth and twenty-first sessions;

22. *Also decides* to remain seized of the matter and to consider further appropriate steps to be taken.

54th meeting
23 March 2012

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

In favour:
Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:
China, Cuba, Russian Federation

Abstaining:
Ecuador, Uganda]

19/23
Forum on Minority Issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by consensus by the General Assembly by its resolution 47/135 of 18 December 1992, and taking into consideration article 27 of the International Covenant on Civil and Political Rights as well as other relevant existing international standards and national legislation,

Recalling also all resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in particular Council resolution 6/15 of 28 September 2007, in which the Council established the Forum on Minority Issues and decided to review its work after four years,

Noting that 2012 marks the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Affirming that the above-mentioned anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Commending the Independent Expert on minority issues for the work done and the important role in raising the level of awareness of, and in giving added visibility to, the rights of persons belonging to national or ethnic, religious and linguistic minorities and for the ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

including by addressing their economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Underlining the need to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and drawing attention to the relevant provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the provisions on forms of multiple discrimination,

Emphasizing the importance of dialogue among all relevant stakeholders on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices, such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities, and promoting inclusive and stable societies, as well as social cohesion therein,

Emphasizing also the importance of national processes aimed at promoting and strengthening dialogue between all relevant stakeholders on issues relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities with a view to ensuring the realization of their rights without discrimination and to help build stable societies,

Emphasizing further the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as in early warning and awareness-raising measures to address problems regarding minority situations,

1. *Takes note* of the report of the Independent Expert on minority issues,[39] which contains, inter alia, an update on the work of the Forum on Minority Issues;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[40]

3. *Further takes note* of the completion of the first four sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation, the right to effective participation in economic life and the rights of minority women and girls and which, through the widespread participation of stakeholders, has provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

4. *Commends* the Forum for its contribution to the efforts of the High Commissioner to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating to the promotion and

[39] A/HRC/19/56.
[40] A/HRC/19/27.

protection of the rights of persons belonging to minorities, including at the regional level, and expresses its expectation that the Forum will continue to contribute to those efforts;

5. *Reaffirms* the role of the Forum as an important platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which provides thematic contributions and expertise to the work of the Independent Expert and identifies best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

6. *Decides* that the Forum shall remain open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also remain open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council, which will provide for the timely information on participation and consultations with States concerned;

7. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, and regional, intergovernmental and non-governmental organizations and national human rights institutions, as well as academics and experts on minority issues, to continue to participate actively in the sessions of the Forum;

8. *Decides* that the Forum shall continue to meet annually for two working days allocated to thematic discussions;

9. *Requests* the President of the Human Rights Council to continue to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum among experts on minority issues, nominated by members and observers of the Council; the chairperson, serving in his/her personal capacity, shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to all participants of the Forum;

10. *Decides* that the Independent Expert shall continue to guide the work of the Forum and prepare its annual meetings, and invites him/her to report on the thematic recommendations of the Forum and make recommendations for future thematic subjects, for consideration by the Human Rights Council;

11. *Requests* the High Commissioner to provide all the necessary support to facilitate, in a transparent manner, the convening of the Forum and the participation of relevant stakeholders from every region in its meetings, giving particular attention to ensuring the broadest possible and equitable participation, including, in particular, the representation of women;

12. *Requests* the Secretary-General to provide the Forum, from within existing resources of the United Nations, with all the services and facilities necessary to fulfil its mandate;

13. *Invites* the High Commissioner to continue to seek voluntary contributions to the Forum to facilitate participation, in particular of those coming from developing countries, and in doing so to pay particular attention to ensuring the participation of young people and women;

14. *Decides* to continue consideration of this important matter at a future session in conformity with its annual programme of work.

54th meeting
23 March 2012

[Adopted without a vote.]

19/24
The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009, 10/29 of 27 March 2009, 13/17 of 25 March 2010 and 16/26 of 25 March 2011,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on the respect for human dignity,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States and civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note* of the report of the Chairman-Rapporteur of the 2011 Social Forum;[41]

2. *Also takes note* of the conclusions and recommendations of the 2011 Social Forum, and encourages States, international organizations, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society and grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the sessions of the Forum and, to this end, considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations at future sessions;

4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the

[41] A/HRC/19/70.

ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Stresses the need* for increased and sustained participation and contribution of civil society and all other relevant actors listed in the present resolution to the promotion and effective realization of the right to development;

6. *Decides* that the Social Forum will meet for three working days in 2012, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and should focus on the theme "People-centred development and globalization", and in particular:

(a) People-centred development and global governance in an era of multiple challenges and social transformation;

(b) Promoting measures and actions for participatory development and democratic governance, including through the role of civil society and social movements at the grass-roots, local and national levels;

(c) Enhancing a globally enabling environment for development, including through the international financial system, which should support sustained, inclusive and equitable economic growth, sustainable development and hunger and poverty eradication in developing countries, while allowing for the coherent mobilization of all sources of financing for development;

7. *Requests* the President of the Human Rights Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2012 Social Forum, bearing in mind the principle of regional rotation;

8. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 6 above, and to submit a report as a background contribution for the dialogues and debates held at the 2012 Social Forum;

9. *Also requests* the High Commissioner to facilitate participation in the 2012 Social Forum in order to contribute to interactive dialogues and debate at the Forum, and to assist the Chairperson-Rapporteur as resource persons, of up to ten experts, including representatives from civil society and grass-roots organizations in developing countries;

10. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including newly emerging actors, such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, on the basis of arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996 and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

11. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

12. *Requests* the Secretary-General to take appropriate measures to disseminate information about the Social Forum, to invite relevant individuals and organizations to the Forum and to take all practical measures required for the success of this initiative;

13. *Invites* the 2012 Social Forum to submit a report containing its conclusions and recommendations to the Human Rights Council;

14. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the support necessary to facilitate the convening and proceedings of the Forum;

15. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2012 Social Forum is submitted to the Human Rights Council.

54th meeting
23 March 2012

[Adopted without a vote.]

19/25
Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolution 16/18 of 24 March 2011 and General Assembly resolution 66/167 of 19 December 2011,

Welcoming the panel discussion on strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, held during the seventeenth session of the Human Rights Council pursuant to paragraph 9 of resolution 16/18,

Reaffirming the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming also that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts, and to expand human rights education are important first steps in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, and condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect, by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries in the conduct of their public duties do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights;

8. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

9. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

55th meeting
23 March 2012

[Adopted without a vote.]

19/26
Terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council

The Human Rights Council,

Recalling Human Rights Council resolution 16/21 of 25 March 2011 and the outcome of the review of the work and functioning of the Council annexed thereto, and in particular paragraph 62 thereof,

Recalling also General Assembly resolution 65/281 of 17 June 2011 on the review of the Human Rights Council,

1. *Decides* to establish the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council;

2. *Also decides* that the Trust Fund will support activities designed to enhance the institutional and human capacity of least developed countries and small island developing States, to enable their delegations to participate more fully in the work of the Human Rights Council, upon their request, and to encourage their effective and informed participation in consultative and decision-making processes, including negotiation sessions;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to make arrangements for the operationalization of the Trust Fund;

4. *Decides* that the Trust Fund will be used to support the participation of least developed countries and small island developing States in the work of the Human Rights Council, by providing funding for:

(a) Training and capacity-building, including e-learning: in partnership with the Office of the High Commissioner and the United Nations Institute for Training and Research and/or relevant academic/training institutions, the Trust Fund will support the development of, and the participation of least developed countries and small island developing States in, targeted training courses for officials on the international human rights system, international human rights law and the rules and functioning of the Human Rights Council and its mechanisms;

(b) Travel and accommodation for Government officials to participate in Human Rights Council sessions: the Trust Fund will help least developed countries and small island developing States, represented or not represented in Geneva, to participate in Council sessions or to bring in supplementary support;

(c) Fellowship programmes: such programmes will cover subsistence costs to allow officials from least developed countries and small island developing States to undertake three-month work placements in their respective delegations to the Human Rights Council;

(d) Induction training: the Trust Fund will support the organization, by the Office of the High Commissioner, of induction training sessions for diplomats from least developed countries and small island developing States assigned to cover the sessions of the Human Rights Council and the multilateral human rights system; training sessions will be organized to coincide with the main periods of arrival and departure from Geneva. During the sessions, diplomats will receive focused, practical training on the work procedure of the Council and its mechanisms.

55th meeting
23 March 2012

[Adopted without a vote.]

19/27
The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services

The Human Rights Council,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 10/33 of 27 March 2009 and 13/22 of 26 March 2010, as well as Council resolution 16/35 of 25 March 2011, in which the Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation, and to respond to its requests for technical assistance,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations and the Universal Declaration of Human Rights, as well as obligations under the international covenants on human rights and other relevant instruments to which they are parties,

Expressing concern at the human rights situation in the Democratic Republic of the Congo, mainly in the eastern part of the country, resulting from violence, including sexual violence, against civilians, especially women and children, and taking note of the progress made by the authorities of the Democratic Republic of the Congo in the ongoing prosecution of the perpetrators of these acts and in the provision of reparations to victims,

Encouraging the efforts of the Government of the Democratic Republic of the Congo to put an end to impunity for crimes under international law by strengthening its justice system,

Noting with concern the cases of threats and violence reported during the presidential and legislative elections, including against members of civil society and human rights defenders,

Acknowledging the joint role played by the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in improving the human rights situation in the country,

Noting the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the resolve of the Government to implement it,

Taking note of the decision of the National Independent Electoral Commission to continue organizing elections at the provincial and local levels, and calling upon the Government of the Democratic Republic of the Congo to hold free and fair elections with all due respect for the right of all parties to freedom of expression, assembly and opinion,

Considering that the Joint Committee on Justice serves as a framework for exchanges and coordination among partners in the field of justice in the Democratic Republic of the Congo,

Taking note of the report on the situation of human rights in the Democratic Republic of the Congo presented by the Government, which addresses in particular the judicial monitoring of the electoral process, the creation of endogenous mechanisms for monitoring the human rights situation and the implementation of the action plan on follow-up to recommendations relating to human rights,

Taking note also of the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and the activities of her Office in the country,

1. *Takes note* of the commitment of the Government of the Democratic Republic of the Congo to cooperate with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and with the special procedures of the Human Rights Council;

2. *Welcomes* the adoption of the national action plan on follow-up to recommendations relating to the promotion and protection of human rights, and encourages the Government of the Democratic Republic of the Congo to set targets with precise deadlines for the implementation of the national action plan and the provision of technical assistance;

3. *Takes note* of the visit made to the Democratic Republic of the Congo from 25 July to 5 August 2011, at the invitation of the Government, by the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

4. *Encourages* the Government of the Democratic Republic of the Congo to ensure that the human rights liaison entity is able to act as a framework for consultation and coordination in the field of human rights in the country, and welcomes the extension of this body's activities to the provinces so as to ensure close monitoring of the human rights situation;

5. *Commends* the role played by the international community, in particular the European Union, the African Union, the Southern African Development Community, the Economic Community of the Great Lakes Countries and the Economic Community of Central African States, as well as the International Conference on the Great Lakes Region, in supporting the efforts of the Democratic Republic of the Congo to strengthen the rule of law and improve the human rights situation in the country;

6. *Urges* the Government of the Democratic Republic of the Congo to redouble its efforts, with the support of the international community, to quickly put an end to impunity and all violations of human rights and to bring the perpetrators to justice;

7. *Welcomes* the efforts of the Government of the Democratic Republic of the Congo to put an end to all human rights violations and to assist the victims of such violations, and encourages it to pursue its efforts in this regard;

8. *Takes note* of the organization of presidential and legislative elections in the Democratic Republic of the Congo on 28 November 2011;

9. *Invites* the international community to continue to support the Joint Committee on Justice as a framework for exchange and coordination of the various contributions made in the field of justice in the Democratic Republic of the Congo;

10. *Also commends* the Government of the Democratic Republic of the Congo for adopting and sending to the Senate bills on the protection of human rights defenders and on the establishment of a special court to hear cases involving grave violations of human rights and international humanitarian law, and encourages it to strive for the quick adoption by the new national Parliament of these instruments;

11. *Takes note* of the initiatives taken by the Government of the Democratic Republic of the Congo to promote the administration of justice and human rights, in particular by assigning the 2,000 newly recruited magistrates to posts throughout the country, by making the juvenile courts operational, by establishing a unit for the protection of human rights defenders and by organizing open-house events with a view to protecting the victims of human rights violations or abuses of power in the justice system;

12. *Encourages* the Government of the Democratic Republic of the Congo to continue to ratify international and regional human rights instruments and to promote human rights education;

13. *Also encourages* the Government of the Democratic Republic of the Congo to complete the establishment of a national human rights commission in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles);

14. *Further encourages* the Government of the Democratic Republic of the Congo to evaluate, together with all the parties concerned, the national action plan on follow-up to recommendations related to human rights and to inform the Council, at its twenty-fourth session, of the results of that evaluation;

15. *Invites* the Office of the High Commissioner, through its office in the Democratic Republic of the Congo, to increase and enhance the technical assistance programmes and activities requested of it by the Government, and to report thereon to the Council at its twenty-fourth session;

16. *Encourages* the new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to request to visit the Democratic Republic of the Congo and to report thereon to the Council;

17. *Calls upon* the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation in the country, and to respond to its requests for technical assistance;

18. *Decides* to continue its consideration of the human rights situation in the Democratic Republic of the Congo at its twenty-fourth session.

55th meeting
23 March 2012

[Adopted without a vote.]

19/28
Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recalling its previous resolutions on the situation of human rights in Somalia,

Acknowledging the commitment of and efforts made by the African Union and the Intergovernmental Authority on Development, especially those of States contributing to the African Union Mission in Somalia, including regional countries, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional partners to help Somalia consolidate peace and security, as well as the rule of law, on its national territory,

Commending the African Union Mission in Somalia for its efforts, as requested by the Peace and Security Council, to minimize civilian casualties during its operations, encouraging the Mission to intensify its efforts in this regard, and also encouraging the African Union to support the Mission in increasing awareness and training among its troops on human rights and international humanitarian law,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia,

Acknowledging the constructive engagement of the Transitional Federal Government and Somali regional authorities in the universal periodic review,

1. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* the grave and systematic human rights abuses perpetrated against the civilian population, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

3. *Urges* all parties to take immediate steps to protect children and end abuses and violations committed against them, calls in particular for an immediate end to the unlawful recruitment and use of child soldiers, and welcomes the efforts of the Transitional Federal Government towards finalizing an action plan with the United Nations to end the use of child soldiers, and emphasizes the importance of signing and implementing the plan immediately;

4. *Stresses* the primary responsibility of the Transitional Federal Government to implement the Somalia End of Transition Road Map, encourages it and the Somali regional authorities to redouble their efforts, with the support of the United Nations Political Office for Somalia and the international community, to implement fully the key benchmarks set out in the Road Map before the end of the transitional period on 20 August 2012, and to continue to use the process initiated at the two constitutional conferences held in Garowe in December 2011 and February 2012, to ensure that post-transition political arrangements are inclusive and representative, recognizing that a resilient and responsive political framework is the best basis on which to improve the human rights environment;

5. *Welcomes* the valuable role of women in efforts to build a better future for Somalia and, in particular, calls on the Transitional Federal Government and Somali regional authorities to take the necessary steps to enable the full and equal participation of women in conflict prevention, management and resolution, as well as in peacebuilding and political processes;

6. *Emphasizes* that protecting, respecting and fulfilling human rights will be essential for the legitimacy of any future Somali political leadership, and also emphasizes the importance of training in human rights and international humanitarian law for Somali security forces;

7. *Calls on* Somalia to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights contained in the International Covenant on Economic, Social and Cultural Rights;

8. *Also calls on* Somalia to fulfil its obligations under international human rights law;

9. *Welcomes* the London Conference on Somalia, held on 23 February 2012, which demonstrated the international community's political will and determination to support the people of Somalia as they build peace and stability;

10. *Also welcomes* the communiqué from the London Conference, in which the delegations affirmed that respect for human rights must be at the heart of the peace process, called for action to address in particular the grave human rights violations and abuses that women and children face, emphasized that journalists must be able to operate freely and without fear and that civilians must be protected, called upon the Somali authorities to take measures to uphold human rights and end the culture of impunity, and agreed to step up international efforts, including through the United Nations human rights architecture;

11. *Calls on* all parties to ensure that the progress made at the London Conference is consolidated through effective action, and to redouble their efforts to support the people of Somalia in their search for a better future for their country and, in this regard, welcomes the intention of the Government of Turkey to hold a conference on Somalia in Istanbul;

12. *Requests* the Secretary-General to submit to the Human Rights Council, at its twenty-first session, a report assessing current United Nations support for efforts in Somalia to end all human rights abuses and combat impunity, as reflected in the report of the Working Group on the Universal Periodic Review on Somalia,[42] and containing proposals for a more integrated approach across the United Nations system, considering in this context the role of the field presence of the Office of the United Nations High Commissioner for Human Rights in Somalia;

13. *Urges* all parties to facilitate rapid and unhindered humanitarian access;

14. *Notes* the importance of sustainable development in supporting national and international peacebuilding efforts and, in this context, emphasizes the role that the realization of all human rights can play in building sustainable peace in Somalia;

15. *Encourages* Somalia to implement the recommendations it accepted following its review at the eleventh session of the Working Group on the Universal Periodic Review, including through bilateral and multilateral cooperation;

[42] A/HRC/18/6.

16. *Looks forward* to the reports of the Independent Expert on the situation of human rights in Somalia and of the Special Rapporteur on violence against women, its causes and consequences, to be presented to the Human Rights Council at its twenty-first and twentieth sessions, respectively;

17. *Welcomes* the ongoing role of the Office of the High Commissioner in providing technical assistance for the Transitional Federal Government and regional authorities, within the framework of the Memorandum of Understanding, and encourages the speedy and effective implementation of the Memorandum of Understanding between the Office of the High Commissioner and the Transitional Federal Government for this purpose;

18. *Requests* the Office of the High Commissioner to continue to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

19. *Decides* to remain seized of the matter.

55th meeting
23 March 2012

[Adopted without a vote.]

19/29
Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and relevant human rights treaties,

Recalling Security Council resolution 2014 (2011) of 21 October 2011 and Human Rights Council resolution 18/19 of 29 September 2011,

Recognizing that the promotion and protection of human rights are key factors in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability for the country,

Welcoming the process of political transition based on the Gulf Cooperation Council initiative and its implementation mechanism that has started in Yemen, and the commitment of the Government of Yemen to fully promote and protect human rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the human rights situation in Yemen[43] and of the debate held during the nineteenth session of the Human Rights Council, as well as the statement, formal replies and comments by the Government of Yemen on the report and its willingness to cooperate with the United Nations and Office of the High Commissioner;

2. *Takes note with appreciation* of the efforts made by the Government of Yemen to implement Human Rights Council resolution 18/19;

3. *Welcomes and supports* the invitation by the Government of Yemen to establish a country office of the High Commissioner;

[43] A/HRC/19/51.

4. *Looks forward* to further progress by the Government of Yemen regarding the implementation of its announcement that it will launch transparent and independent investigations, which will adhere to international standards, into credible documented allegations of human rights violations through an independent national committee and in consultation with political parties, and calls upon all parties to release persons arbitrarily detained by them and to end any practices of unlawful detention of persons;

5. *Encourages* the Government of Yemen to continue to implement the accepted recommendations contained in the reports of the High Commissioner[44] with the support of her Office;

6. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect human rights;

7. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner and Member States, to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

8. *Calls upon* the international community to provide financial support for the Yemen humanitarian response plan of 2012 and the joint United Nations stabilization plan;

9. *Requests* the High Commissioner to provide technical assistance and to work with the Government of Yemen, as needed, to identify additional areas of assistance to enable Yemen to fulfil its human rights obligations;

10. *Requests* the Office of the High Commissioner to present to the Human Rights Council, at its twenty-first session, a progress report on the situation of human rights in Yemen and on the follow-up to the present resolution and Council resolution 18/19.

55th meeting
23 March 2012

[Adopted without a vote.]

19/30
Strengthening of technical cooperation and consultative services in Guinea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 13/21 of 26 March 2010 and 16/36 of 25 March 2011,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments to which they are parties,

[44] A/HRC/18/21 and A/HRC/19/51.

Noting with appreciation the measures adopted by the Government of Guinea with a view to restoring the rule of law and to promoting and protecting human rights and fundamental freedoms,

Noting with concern the persistence of challenges in the areas of security and respect for human rights and the need for greater efforts to speed up the pace of reforms,

Recalling that it is the primary responsibility of Guinea to protect its civilian population, to conduct inquiries into violations of human rights and international humanitarian law, and to bring perpetrators to justice,

1. *Recognizes* the efforts made by Guinea and the international community, in particular the African Union, the Economic Community of West African States and the European Union, to act upon the recommendations set forth in Human Rights Council resolution 16/36 for strengthening the rule of law and improving the human rights situation in Guinea;

2. *Takes note* of the efforts made by the Government of Guinea to address the human rights violations committed during the events of 28 September 2009 by appointing a panel of judges to investigate those events, and encourages the Government of Guinea to ensure that this panel of judges is provided with the necessary means and security conditions to enable them to effectively fulfil the mandate conferred upon them;

3. *Takes note also* of the creation of a provisional national reconciliation commission and of an independent human rights commission, and encourages the Government of Guinea to promote human rights and work to promote reconciliation;

4. *Takes further note* of the fact that the Government of Guinea worked with the United Nations High Commissioner for Human Rights to open the office in Conakry and that the Guinean authorities have agreed to the deployment of members of the Team of Experts on the Rule of Law and Sexual Violence in Conflict;

5. *Encourages* the Government of Guinea to accelerate its implementation of the recommendations made by the International Commission of Inquiry established by the Secretary-General of the United Nations and supported by the African Union and the Economic Community of West African States and to adopt supplementary measures to that end in the following areas:

(a) Prosecution of those responsible for the events of 28 September 2009, including the acts of sexual violence committed against women and girls, under conditions that will ensure the safety and protection of the judges, judicial personnel and victims involved, the transparency of the mandate and working methods of the panel of judges, and their ability to investigate and prosecute the persons at all levels who are implicated in those events;

(b) Protection of the survivors of these acts of violence, including the victims of sexual violence, and provision of all suitable forms of reparation and assistance, including medical assistance and psychological support, particularly for victims of sexual violence;

(c) Compensation for the families of victims who died following the events of 28 September 2009 and just reparation for the physical and psychological suffering inflicted upon those who were wounded;

(d) Reform of the justice system;

(e) Reform of the security sector;

(f) Adoption of a national plan for combating discrimination;

(g) Alignment of national legislation with the relevant resolutions on violence against women and girls;

6. *Calls upon* the Guinean authorities to continue to prosecute persons implicated in the events of 28 September 2009;

7. *Reiterates* its appeal to the Guinean authorities to align national legislation with the provisions of the Rome Statute of the International Criminal Court, which Guinea ratified on 14 July 2003;

8. *Takes note*, in that regard, of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;[45]

9. *Calls upon* the Guinean authorities and the opposition to work together to establish a timetable for legislative elections and to ensure that the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association are protected throughout the electoral process;

10. *Welcomes* the Guinean Government's undertaking to promote justice, truth and reconciliation, takes note in that regard of the progress report issued on 15 December 2011 by the provisional national reconciliation commission, and encourages the Guinean authorities to take advantage of the available international expertise and to pursue its dialogue with civil society on the subject;

11. *Firmly reiterates* its appeal to the international community to:

(a) Provide the Guinean authorities with appropriate assistance to promote respect for human rights through, inter alia, the achievement of the Millennium Development Goals, the fight against impunity and reform of the security and justice sectors, as well as the initiatives that are under way to promote truth, justice and national reconciliation;

(b) Support the office of the United Nations High Commissioner for Human Rights in Guinea;

12. *Invites* the High Commissioner to report to the Council at its twenty-second regular session on the situation of human rights and the work of her office in Guinea.

55th meeting
23 March 2012

[Adopted without a vote.]

19/31
Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of

[45] A/HRC/19/49.

Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Safeguards guaranteeing protection of the rights of those facing the death penalty, as well as the Bangalore Principles of Judicial Conduct,

Recalling also the resolutions on the subject of the Commission on Human Rights, in particular its resolution 2005/30 of 19 April 2005,

Recalling further Human Rights Council decision 2/110 of 27 November 2006 and Council resolution 17/2 of 16 June 2011,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and ensuring that there is no discrimination in the administration of justice,

Stressing that the integrity of the judiciary should be observed at all times,

1. *Takes note* of the relevant sections of the reports of the Special Rapporteur on the independence of judges and lawyers[46] and of the report submitted by the Special Rapporteur of the Subcommission on the Promotion and Protection of Human Rights on the issue of the administration of justice through military tribunals;[47]

2. *Reiterates* that, as declared in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal duly established by law, in the determination of his/her rights and obligations and of any criminal charge against him/her, and that he/she is entitled to the presumption of innocence until proven guilty according to law;

3. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

4. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

5. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing, and to have all the guarantees necessary for their legal defence;

6. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

7. *Reaffirms* that every convicted person should have the right to have his/her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

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[46] A/HRC/11/41 and A/HRC/14/26.

[47] E/CN.4/2006/58.

8. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system and that such courts apply due process procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

9. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

10. *Invites* the Special Rapporteur on the independence of judges and lawyers to take full account of the present resolution in the discharge of her mandate and in her report to the Human Rights Council at its twenty-third session;

11. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

55th meeting
23 March 2012

[Adopted without a vote.]

19/32
Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Reaffirming Human Rights Council resolution 15/24 of 1 October 2010 and General Assembly resolution 66/156 of 19 December 2011,

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Recognizing that unilateral coercive measures in the form of economic sanctions can have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Recognizing also that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

Recalling the final document of the fifteenth summit of the Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, in July 2009, in which the States members of the Movement decided to oppose unilateralism and unilaterally-imposed measures by certain States, which can lead to the erosion and violation of the Charter and international law, the use and threat of use of force and pressure and

coercive measures as a means to achieving their national policy objectives, and to support, in accordance with international law, the claim of affected States, including targeted States, to compensation for damage incurred as a consequence of the implementation of extraterritorial or unilateral coercive measures or laws,

Recalling also that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

6. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

7. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

8. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Underlines* the fact that unilateral coercive measures are one of the main obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

10. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application, which are not in conformity with international law;

11. *Recognizes* that the Declaration of Principles, adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

12. *Invites* all special rapporteurs and existing thematic mechanisms of the Human Rights Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

13. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

14. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

15. *Takes note* of the thematic study prepared by the Office of the High Commissioner on the impact of unilateral coercive measures on the enjoyment of human rights[48] including recommendations on actions aimed at ending such measures;

16. *Requests* the Office of the High Commissioner:

(a) To organize, prior to the twenty-third session of the Human Rights Council, a workshop on the various aspects relating to the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations in the States targeted, with the participation of States, academic experts and civil society representatives;

[48] A/HRC/19/33.

(b) To prepare a report on the proceedings of the workshop and to submit it to the Human Rights Council at its twenty-third session;

17. *Decides* to examine this question in accordance with its annual programme of work under the same agenda item.

55th meeting
23 March 2012

[Adopted by a recorded vote of 35 to 12, with no abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

19/33
Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, and the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,

Recalling also all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 16/22 of 25 March 2011 and Assembly resolution 66/152 of 19 December 2011,

Recalling further the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva, from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of

Member States to comply with their human rights obligations for the benefit of all human beings,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-

selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

9. *Takes note* of the note by the Secretariat, in which it indicated that, owing to technical reasons, the first written update on the operations of the Voluntary Fund for Participation in the Universal Periodic Review and the resources available to it had not been submitted,[49] and reiterates its request to the Office of the United Nations High Commissioner for Human Rights to provide the Human Rights Council with an annual written update on the operations of the Voluntary Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance, and the resources available to them;

10. *Also takes note* of the compilation prepared by the Office of the High Commissioner of the views of States and relevant stakeholders on the contribution of the Voluntary Fund for Financial and Technical Assistance,[50] in particular with regard to its sustainability and accessibility, to the implementation of recommendations accepted by States as part of their universal periodic review that require financial support;

11. *Requests* the Office of the High Commissioner to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broaden the donor base and replenish the resources available to both funds;

12. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from both funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

13. *Urges* States to continue to support both funds;

14. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

15. *Urges* States to take necessary measures to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

16. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

17. *Takes note* of the study of the Human Rights Council Advisory Committee on the enhancement of international cooperation in the field of human rights,[51] prepared pursuant to the mandate given by the Council, in its resolution 13/23 of 26 March 2010, to

[49] A/HRC/19/25.
[50] A/HRC/19/50.
[51] A/HRC/19/74.

the Advisory Committee to explore ways and means to enhance international cooperation in the field of human rights;

18. *Requests* the Office of the High Commissioner:

(a) To organize, before the twenty-second session of the Human Rights Council, from within existing resources, a seminar on the enhancement of international cooperation in the field of human rights, with the participation of States, relevant United Nations agencies, funds and programmes, and other stakeholders, including academic experts and civil society, in addition to a member of the Advisory Committee. The seminar will build upon the study prepared by the Advisory Committee, including the recommendations contained therein;

(b) To prepare a report on the deliberations held during the seminar and to submit it to the Human Rights Council at its twenty-second session;

19. *Decides* to continue its consideration of the matter in 2013, in accordance with its annual programme of work.

55th meeting
23 March 2012

[Adopted without a vote.]

19/34
The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals,[52]

Emphasizing the urgent need to make the right to development a reality for everyone,

Cognizant of the importance of engaging the United Nations system, including United Nations funds and programmes and specialized agencies, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, in discussions on the right to development,

Recognizing that achieving the internationally agreed development goals, including the Millennium Development Goals, requires effective policy coherence and coordination towards a global partnership for development that takes into consideration the right to development,

[52] General Assembly resolution 65/1.

Taking note of the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all and, in this regard, encouraging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, as well as in development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries, the thirteenth session of the United Nations Conference on Trade and Development, the United Nations Conference on Sustainable Development (Rio + 20), the quadrennial comprehensive policy review, and the post 2015 development agenda,

Taking note also of the summary of the panel discussion of the Human Rights Council on the theme, "The way forward in the realization of the right to development: between policy and practice"[53] and of the report of the 2011 Social Forum,[54] which focused on the right to development,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recalling that 2011 marked the twenty-fifth anniversary of the Declaration on the Right to Development and, in this regard, expressing its appreciation of the efforts made by the Office of the United Nations High Commissioner for Human Rights in commemorating the anniversary, including by holding and co-organizing side events and panel discussions and launching outreach activities for the promotion of the realization of the right to development,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

1. *Takes note with appreciation* of the report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development,[55] which contains a summary of the activities undertaken by the Office of the High Commissioner with regard to the promotion and realization of the right to development, including in commemoration of the twenty-fifth anniversary of the Declaration on the Right to Development;

2. *Requests* the Office of the High Commissioner to continue to submit to the Human Rights Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development;

3. *Takes note* of the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, in fulfilment of the Working Group's mandate as established by the Commission on Human Rights in its resolution 1998/72 of 22 April 1998;

4. *Also takes note* of the report of the Working Group on the Right to Development on its twelfth session;[56]

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[53] A/HRC/19/39.
[54] A/HRC/19/70.
[55] A/HRC/19/45.
[56] A/HRC/19/52 and Corr.1.

5. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) To take note of the conclusion of the Working Group on the need to further consider, revise and refine the right to development criteria and operational sub-criteria contained in the report of the high-level task force on the implementation of the right to development on its sixth session;[57]

(c) To endorse the recommendations of the Working Group on the Right to Development as outlined in its report;

(d) To invite Governments, groups of Governments, regional groups and other relevant stakeholders, including United Nations agencies, funds and programmes and institutions, as well as other relevant multilateral institutions and forums, to submit further detailed comments and proposals on the right to development criteria and operational sub-criteria;

(e) To request the Office of the High Commissioner to make available on its website, and to make available to the Working Group at its next session, in the format of two conference room papers, all written submissions by Governments, groups of Governments and regional groups, as well as inputs by other stakeholders;

(f) To invite the Chairperson/Rapporteur of the Working Group to hold informal consultations with Governments, groups of Governments, regional groups and relevant stakeholders and to report thereon to the Working Group at its next session;

(g) That the criteria and corresponding operational sub-criteria mentioned in sub-paragraph (b) above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(h) That the Working Group shall take appropriate steps to ensure respect for and the practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

6. *Encourages* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

7. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including the United Nations funds, programmes and specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to contribute further to the work of the Working Group and to cooperate with the High Commissioner in the fulfilment of her mandate with regard to the implementation of the right to development;

[57] A/HRC/15/WG.2/TF/2/Add.2.

8. *Decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

55th meeting
23 March 2012

[Adopted by a recorded vote of 46 to 0, with 1 abstention. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Abstaining:

United States of America]

19/35
The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

Reaffirming also that, in accordance with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling Human Rights Council resolutions 12/16 of 2 October 2009 and 16/4 of 24 March 2011, on freedom of opinion and expression, 15/21 of 30 September 2010, on the rights to freedom of peaceful assembly and of association, and decision 17/120 of 17 June 2011, on the panel on the promotion and protection of human rights in the context of peaceful protests,

Recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with State's obligations under applicable international human rights instruments,

Acknowledging that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly and of association, freedom of expression and of participation in the conduct of public affairs,

Acknowledging also that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Stressing also that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recognizing that national human rights institutions and civil society organizations, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. *Recognizes* the need to reflect on the promotion and protection of human rights in the context of peaceful protests;

2. *Welcomes* the holding of the panel discussion on the issue of the promotion and protection of human rights in the context of peaceful protests by the Human Rights Council at its eighteenth session and the active participation of States and other stakeholders therein;

3. *Takes note* of the summary of the panel discussions prepared by the Office of the United Nations High Commissioner for Human Rights;[58]

4. *Acknowledges* that peaceful protests can occur in all societies;

5. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings or threats of such acts at all times;

6. *Encourages* all States to avoid using force wherever possible during peaceful protests, and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force;

7. *Calls upon* States, and where applicable relevant governmental authorities, to ensure adequate training of law enforcement officials and military personnel and to promote adequate training for private personnel acting on behalf of a State, including in international human rights law, and, where appropriate, international humanitarian law;

[58] A/HRC/19/40.

8. *Requests* the High Commissioner to prepare and submit a thematic report to the Human Rights Council, prior to its twenty-second session, on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests;

9. *Encourages* relevant thematic special procedures mandate holders, including the Special Rapporteur on freedom of expression, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders, to contribute to the above-mentioned thematic report;

10. *Requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions and civil society organizations;

11. *Decides* to consider the above-mentioned report and possible next steps at its twenty-second session under agenda item 3.

55th meeting
23 March 2012

[Adopted without a vote.]

19/36
Human rights, democracy and the rule of law

The Human Rights Council,

Recalling General Assembly resolutions 55/96 of 4 December 2000 on promoting and consolidating democracy, 57/221 of 18 December 2002 on strengthening the rule of law, 59/201 of 20 December 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy and 66/102 of 9 December 2011 on the rule of law at the national and international levels, all relevant resolutions of the Commission on Human Rights, in particular resolutions 1999/57 of 27 April 1999 on the promotion of the right to democracy, 2000/47 of 25 April 2000 on promoting and consolidating democracy, 2001/41 of 23 April 2001 on continuing dialogue on measures to promote and consolidate democracy, 2002/46 of 23 April 2002 on further measures to promote and consolidate democracy, 2003/36 of 23 April 2003 on interdependence between democracy and human rights, 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy, 2005/32 of 19 April 2005 on democracy and rule of law, and Human Rights Council resolution 18/15 of 29 September 2011 on the incompatibility between democracy and racism,

Reaffirming that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing and that priority should be given to national and international action aimed at their promotion and strengthening,

Reaffirming also that democracy is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recalling that each State has the responsibility for the promotion of all human rights, including the right to development, and the elimination of poverty and extreme poverty, all of which can contribute substantially to the promotion and consolidation of democracy and constitute a common and shared responsibility of States, and that good

governance, including through transparency and accountability, is indispensable for building peaceful, prosperous and democratic societies,

Noting the adoption by various regional, subregional and other organizations and initiatives of institutional rules and structures that recognize the interdependent relationship between democracy and the protection of human rights, and the adoption of mechanisms designed to promote it, to prevent situations which affect or threaten democratic institutions or to implement measures for the collective defence of democracy in the event of a serious disturbance or disruption of the democratic system,

Recognizing that human rights, democracy and the rule of law are strengthened when States work to eliminate discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status and when they strive to ensure equality between men and women in decision-making,

Encouraged by the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

Welcoming the democratization processes taking place in various countries and regions of the world, which are motivated by the aspirations of peoples for dignity, peace, justice, democracy, respect for human rights and development,

Recalling General Assembly resolution 65/32 of 6 December 2010, in which the Assembly decided to convene a high-level meeting on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session,

Reaffirming that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming also the necessity of due respect for sovereignty and the right to self-determination,

1. *Stresses* that democracy includes respect for all human rights and fundamental freedoms, inter alia, freedom of association and of peaceful assembly, freedom of expression and opinion, freedom of thought, conscience, religion or belief, the right to be recognized everywhere as a person before the law and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote in a pluralistic system of political parties and organizations and to be elected at genuine, periodic, free and fair elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as respect for the rule of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration and decision-making and free, independent and pluralistic media;

2. *Reaffirms* the right of every citizen to vote and be elected at genuine periodic elections without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status, and stresses that persons entitled to vote must be free to vote for any candidate of party for election and free to support or to oppose government, without undue influence or coercion of any kind that may distort or inhibit the free expression of the elector's will, and that the results of genuine, periodic, free and fair elections representing the choice of the people for their representatives should be respected by the international community, as well as by all parties and stakeholders;

3. *Stresses* therefore that everyone must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance;

4. *Reaffirms* that democracy is vital for the promotion and protection of all human rights;

5. *Recalls* that the interdependence between a functioning democracy, strong and accountable institutions, transparent and inclusive decision-making and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights;

6. *Emphasizes* the crucial role played by the political opposition and civil society in the proper functioning of a democracy;

7. *Calls upon* States to ensure a safe and enabling environment for the media, including for journalists, media workers and associated personnel;

8. *Urges* States to acknowledge publicly the important contribution of human rights defenders to the promotion of human rights, democracy and the rule of law, and to create a safe and enabling environment for their work;

9. *Stresses* the need for the international community to assist and support countries, upon their request, that are emerging from conflict or undergoing democratization, as they may face special challenges in addressing legacies of human rights violations during their transition and in moving towards democratic governance and the rule of law;

10. *Welcomes* the encouraging developments in countries on all continents where free elections have taken place for the first time, positive constitutional changes have been enacted and democratic institutions have been strengthened, thus building confidence in representational governance and contributing to greater national and regional peace and stability;

11. *Recalls* that democratization can be a fragile process and that the respect of human rights and the rule of law are essential for the stability of democratic societies, including in the context of using information and communication technologies such as the Internet, mobile networks and social media tools;

12. *Also recalls* that States are guarantors of democracy, human rights, good governance and the rule of law, and bear responsibility for their full implementation;

13. *Reaffirms* that democracy and racism are incompatible and that any form of impunity condoned by public authorities for crimes motivated by racist, xenophobic or other discriminatory attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts, and condemns political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance;

14. *Acknowledges* the fundamental importance of education and training on human rights and democracy in contributing to the promotion, protection and effective realization of all human rights;

15. *Emphasizes* the importance of effective, transparent and accountable legislative bodies, and acknowledges their fundamental role in the promotion and protection of human rights, democracy and the rule of law;

16. *Calls upon* States to make continuous efforts to strengthen the rule of law and promote democracy by:

(a) Upholding the separation of powers by taking appropriate constitutional, legislative, judicial and other institutional measures;

(b) Upholding the independence and the integrity of the judiciary;

(c) Ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness;

(d) Taking active and consistent measures aimed at increasing awareness among the population of their human rights and of their possibilities of resorting to remedies, as established by law and international human rights instruments and mechanisms, when their rights are infringed;

(e) Engaging with civil society organizations and institutions and enabling them to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions;

(f) Ensuring increased public access to information in a manner that can be understood by people and groups in society regarding the exercise of their rights;

(g) Taking active measures to provide equal access to persons with disabilities through means such as the identification and elimination of obstacles and barriers to accessibility, in order to ensure their full participation in all aspects of the democratic processes;

(h) Taking appropriate measures and steps to amend electoral laws in order to enable people to vote and participate in elections, without unreasonable restrictions;

(i) Establishing or strengthening national human rights institutions, in compliance with the Paris Principles;

(j) Guaranteeing that no individual or public or private institution is above the law, by ensuring that:

(i) The principles of equal protection before the courts and under the law are respected within their legal systems and applied without discrimination to all persons within their jurisdiction;

(ii) Impunity is not tolerated for violations of human rights law and international humanitarian law, and that such violations are properly investigated and appropriately sanctioned, including by bringing the perpetrators of any crimes to justice, through domestic mechanisms or, where appropriate, international mechanisms, in accordance with international human rights obligations and the commitments of States;

(iii) All Government agents, irrespective of their positions, are promptly held fully accountable, consistent with applicable domestic law and international obligations, for any violation of the law that they commit;

(iv) The administration of justice is free from any form of discrimination;

(v) Comprehensive anti-corruption strategies and measures are adequately developed and applied in order to maintain the independence and impartiality of the judiciary, and to ensure the moral integrity and accountability of the members of the judiciary, legislative and executive powers;

(vi) The military remains accountable to relevant national civilian authorities;

(vii) Military courts or special tribunals are independent, competent and impartial, and that such courts or tribunals apply established procedures of due process of law and guarantees of a fair trial, in accordance with domestic law, international human rights obligations and international humanitarian law;

(k) Respecting equal protection under the law, by:

(i) Ensuring the right to life, liberty and security of person without discrimination, fully guaranteeing the right of everyone to recognition as a person before the law;

(ii) Ensuring that everyone has equal access to information regarding their rights and equal access to justice, including through non-judicial measures;

(iii) Taking active measures to improve the access to justice for all, including minorities, whose full exercise of human rights is impeded by, inter alia, the lack of information and/or resources and any discriminatory or arbitrary measures;

(iv) Incorporating the principle of equality of men and women under the law;

(v) Guaranteeing the right to a fair trial and to a due process of law without discrimination, including the right to be presumed innocent until proven guilty according to law, and the right of everyone convicted of a crime to have their conviction and sentence reviewed by a higher tribunal according to law;

(vi) Promoting continuously the independence, impartiality and integrity of the judiciary;

(vii) Guaranteeing to victims of human rights violations the right to effective remedies, including reparations, as subject to determination by competent authorities and consistent with international obligations;

(viii) Encouraging the continuous training of public servants, military personnel, parliamentary experts, lawyers, judges at all levels and the staff of the courts, as appropriate to their area of responsibility, on international human rights obligations and commitments, in particular with respect to legal aspects and procedures relating to equality under the law;

(ix) Supporting inclusive and democratic approaches in the elaboration and revision of fundamental laws and regulations that underpin democracy and the rule of law, human rights and fundamental freedoms;

17. *Calls upon* Member States to enhance social cohesion and solidarity, as important elements of democracy, by:

(a) Developing and strengthening institutional and educational capabilities at the local, regional and national levels to mediate conflicts, resolve disputes peacefully and prevent and eliminate the use of violence in addressing social tensions and disagreements;

(b) Improving social protection systems, including appropriate and necessary social services;

(c) Encouraging social dialogue and tripartism with regard to labour relations among Government, trade unions and employer organizations;

(d) Encouraging the political and economic empowerment of women, including by increasing their representation in parliaments, cabinets and the work force, thereby reflecting equality between men and women;

18. *Encourages* Member States to continue to strengthen their cooperation with the United Nations system, relevant intergovernmental regional, subregional and other organizations and arrangements, and national human rights institutions, as well as with relevant non-governmental organizations in the field of electoral assistance and support for the promotion of democratization, and to initiate or reinforce networks and partnerships for the dissemination of knowledge and information about the role of democratic institutions

and mechanisms in facing the political, economic, social and cultural challenges in their respective societies;

19. *Invites* intergovernmental regional, subregional and other organizations and arrangements, national human rights institutions and relevant non-governmental organizations to engage actively in work at the local, national, subregional and regional levels to consistently support and consolidate democracy and the rule of law, and to initiate exchanges with the United Nations system on their experiences by, inter alia:

(a) Identifying and disseminating best practices and experiences at the regional, subregional and cross-regional levels in promoting and protecting democratic processes, including in the field of electoral reform;

(b) Establishing and supporting regional, subregional and national civic education programmes that provide access to information on democratic governance and the rule of law, and stimulate dialogue on the functioning of democracy;

(c) Encouraging the study, in schools and universities, of democracy, the rule of law, human rights and good governance, as well as the functioning of public administration, political institutions and civil society organizations;

(d) Elaborating and widely distributing reports, assessments, training materials, handbooks, case studies and documentation on various types of democratic constitutions, electoral systems and administration in order to assist populations in making more informed choices;

(e) Encouraging the use of democratic consultative mechanisms in decision-making processes and disputes as an opportunity for stakeholders to advance their rights and reach well-informed decisions within institutional frameworks;

20. *Invites* States members of intergovernmental regional organizations and arrangements to include or reinforce provisions of the constitutive acts of their organizations and arrangements that aim at promoting democratic values and principles and at protecting and consolidating democracy in their respective societies;

21. *Encourages* the Secretary-General, in consultation and cooperation with Member States, to give priority to improving the capacity of the United Nations system as an effective partner for Member States in the process of building democratic societies based on the rule of law, where individuals and peoples have the opportunity to shape their own destiny;

22. *Encourages* the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and other relevant United Nations structures to make a concerted effort to integrate and mainstream democracy and the rule of law into their strategic planning;

23. *Acknowledges* that the Human Rights Council, by promoting the normative content and the realization of the human rights enshrined in various international instruments, can play a role in developing and promoting the fulfilment of the principles, norms and standards that are the basis of democracy and the implementation of the rule of law;

24. *Requests* the Office of the High Commissioner, in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, to draft a study on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international

community to support such processes, and to present the study to the Human Rights Council at its twenty-second session;

25. *Urges* the Office of the High Commissioner to further develop, in close cooperation with other relevant United Nations funds and programmes, its assistance programmes in the area of the promotion and consolidation of democracy and the rule of law, and to include more training for members of the executive, legislative and judicial bodies of interested Member States;

26. *Decides* to organize, at its twenty-third session, a panel discussion on common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective, as well as on lessons learned and best practices in the engagement of the State with the international community to support such processes;

27. *Requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

55th meeting
23 March 2012

[Adopted by a recorded vote of 43 to 0, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Senegal, Spain, Switzerland, Thailand, Uganda, United States of America, Uruguay

Abstaining:

China, Cuba]

19/37
Rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 10/14 of 26 March 2009, 13/20 of 26 March 2010 and 16/12 of 24 March 2011, and Assembly resolution 66/141 of 19 December 2011,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child,[59] on the follow-up to the special session of the General Assembly on children[60] and on the girl child,[61]

[59] A/66/230.
[60] A/66/258.

Taking note with appreciation of the report of the Special Representative of the Secretary-General on violence against children,[62] the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[63] and the reports of the Special Rapporteur on the sale of children, child prostitution and child pornography,[64]

Welcoming the study of the United Nations High Commissioner for Human Rights on challenges, lessons learned and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street,[65]

Taking note with appreciation of the adoption by the General Assembly of the third Optional Protocol to the Convention on the Rights of the Child, on a communications procedure,[66] and of the signing ceremony held on 28 February 2012, at which 20 States signed the Optional Protocol,

Recognizing the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, calling upon States not to grant amnesties for such crimes and acknowledging the contribution of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes,

Welcoming the work of the Committee on the Rights of the Child, and taking note with interest of recent general comments, in particular general comment No. 10 (2007) on children's rights in juvenile justice,

Welcoming also the attention paid by the special procedures of the Human Rights Council to the rights of the child in the context of their respective mandates, inter alia, the reports of the Special Rapporteur on the right to education,[67] the Special Rapporteur on trafficking in persons, especially women and children,[68] and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences,[69]

Profoundly concerned that the situation of children in many parts of the world remains critical, and convinced that urgent and effective national and international action is called for,

Mindful that regional instruments can play an important role in protecting and promoting the rights of the child,

Deeply concerned that more than seven million six hundred thousand children under the age of 5 die each year, mostly from preventable and treatable causes, caused by lack of access to health care and services, including access to skilled birth attendants and immediate newborn care, as well as to health determinants, such as clean and safe water and sanitation, and safe and adequate nutrition, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Underlining the need to mainstream a gender perspective and to recognize the child as a rights-holder in all policies and programmes relating to children,

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[61] A/66/257.
[62] A/HRC/19/64.
[63] A/66/256.
[64] A/66/228 and A/HRC/19/63.
[65] A/HRC/19/35.
[66] General Assembly resolution 66/13.
[67] A/HRC/17/29.
[68] A/HRC/17/35.
[69] A/HRC/18/30.

Welcoming the progress made towards the universal ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, ahead of the tenth anniversary in 2012 of their entry into force,

Recognizing that environmental damage and hazards have potentially negative effects on children and their enjoyment of their rights to life, to the highest attainable standards of health and to an adequate standard of living,

I. Implementation of the Convention on the Rights of the Child and other instruments

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties, as a matter of priority, to the Convention and the first two Optional Protocols thereto, and to consider signing and ratifying the third Optional Protocol thereto, on a communications procedure, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention and the Optional Protocols thereto fully and in accordance with the best interests of the child by, inter alia, putting in place effective national legislation, policies and action plans, and to comply in a timely manner with their reporting obligations under the Convention and the first two Optional Protocols thereto, taking fully into consideration the guidelines elaborated by the Committee on the Rights of the Child, as well as taking into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

4. *Also calls upon* States parties to designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministries in charge of child issues, independent ombudspersons and other independent institutions for children, and to ensure adequate and systematic training on the rights of the child for professionals working with and for children;

5. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics, including in the area of juvenile justice and on children deprived of liberty, as well as children of incarcerated parents, and, as far as possible, to use data disaggregated by, inter alia, age, sex, ethnicity, location, language, family income, disability and other relevant factors that may lead to disparities, and other statistical indicators at the national, subnational, subregional, regional and international levels, to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

6. *Calls upon* all States to strengthen their international commitment, cooperation and mutual assistance with the objective of fully realizing the rights of the child, including through the sharing of good practices, research, policies, monitoring and capacity-building;

7. *Calls upon* States to ensure that their national legal systems are able to provide remedies to children who are victims of violations of their rights, and to ensure that such systems are accessible and appropriate for all children without discrimination of any kind;

8. *Reaffirms* the right of the child to express his or her views freely in all matters affecting him or her and giving those views due weight in accordance with his or her age and maturity, and calls upon States to provide disability-, gender- and age-appropriate assistance to enable the active and equal participation of all children;

9. *Calls upon* all States to take all necessary measures to establish holistic child protection systems, including laws, policies, regulations and services across all social sectors, especially social welfare, education, health, security and justice, in order to address the multiple needs and underlying vulnerabilities of children in the most disadvantaged and marginalized situations;

II. Mainstreaming of the rights of the child

10. *Reaffirms* its commitment to effectively integrate the rights of the child into its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account the specific needs of boys and girls;

11. *Decides* to continue to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges to the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child into its work;

12. *Urges* all stakeholders to take into full account the rights of the child in the second and subsequent cycles of the universal periodic review, in the preparation of information submitted for the review and during its dialogue, outcome and follow-up, in particular with regard to the implementation of recommendations on the rights of the child, and encourages States to consult civil society and children to this end, as appropriate;

13. *Encourages* special procedures and other human rights mechanisms of the Human Rights Council to integrate the rights of the child into their work and to include in their reports specific information, qualitative analysis and recommendations aimed at improving the situation of children, in accordance with their mandates;

14. *Encourages* all human rights treaty bodies to integrate the rights of the child into their work, in accordance with their mandates;

III. Protecting and promoting the rights of the child

Non-discrimination

15. *Calls upon* States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

16. *Notes with concern* the large number of children belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee or asylum-seeking children, internally displaced children and children of indigenous origin that are victims of discrimination, including racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views and the child's gender-specific needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and to ensure equal access to services for those children;

The girl child

17. *Calls upon* all States to take all necessary measures, including by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, policies, programmes or strategies to promote and protect the human rights of the girl child, in order to:

(a) Eliminate all forms of discrimination against girls and women and take measures to address stereotyped gender roles and other prejudices based on the idea of the inferiority or the superiority of either of the sexes, and to mainstream in this context a gender perspective in all development policies and programmes, including those relating to children and those specific to the girl child;

(b) Protect girls from all forms of violence and exploitation, including female infanticide, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, human trafficking, forced migration, forced labour, early and forced marriage and forced sterilization, including by addressing their root causes, to eliminate prenatal sex selection and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

(c) Promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, in line with the International Conference on Population and Development, vaccinations and protection from diseases representing the major causes of mortality;

(d) Involve girls and their representative organizations in decision-making processes, as appropriate, and include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

Children with disabilities

18. *Recognizes* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalls the obligations to that end undertaken by the States parties to the Convention on the Rights of the Child and to the Convention on the Rights of Persons with Disabilities;

19. *Calls upon* all States:

(a) To take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and private spheres, including by incorporating an explicit focus on the specific needs of children with disabilities into policies and programmes for children, taking into account the particular situation of children with disabilities, who may be subject to multiple or aggravated forms of discrimination, including girls and children living in poverty;

(b) To ensure the protection of the dignity of children with disabilities, to promote their self-reliance and to facilitate their full and active participation and inclusion in the community, including by ensuring access to quality, inclusive education and health services, and to enact and enforce legislation protecting children with disabilities against all forms of discrimination, exploitation, human trafficking, violence and abuse;

(c) To consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

Migrant children

20. *Also calls upon* all States to ensure for migrant children, as well as for children of migrant parents, the enjoyment of all human rights of every child within their jurisdiction without discrimination of any kind, to provide access to health care, social services and education of good quality in accordance with domestic laws consistent with applicable international obligations, and to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence and exploitation receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

21. *Calls upon* States to establish or strengthen policies and programmes aimed at addressing the situation of children in the context of migration that have a human rights-based approach and are based on general principles, such as the best interests of the child, non-discrimination, participation, survival and development;

Children working and/or living on the street

22. *Calls upon* all States to take a holistic and gender-based approach to the protection and promotion of the rights of children working and/or living on the street in order to prevent violations of their rights, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary execution, torture, all kinds of violence and exploitation, and human trafficking, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

23. *Also calls upon* all States to comply with their obligations as assumed under relevant provisions of international law, and to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied and who are particularly exposed to risks in connection with armed conflict and post-conflict situations, such as recruitment, sexual violence and exploitation; to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification; and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Freedom from violence

24. *Encourages* States to implement the recommendations made in the United Nations study on violence against children,[70] building upon the follow-up process promoted by the Special Representative of the Secretary-General on violence against children, urging them to prioritize prevention in order to address the serious incidence and long-term impact of all forms of violence against children perpetrated throughout the world, in their homes and families, in schools and other education centres, in care and justice systems, workplaces and in communities;

25. *Notes with appreciation* the consolidated partnerships promoted by the Special Representative of the Secretary-General on violence against children in coordination with national Governments, United Nations agencies, regional organizations, human rights bodies and mechanisms and representatives of civil society, and with the participation of children;

26. *Calls upon* all States and invites United Nations entities and agencies, regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on violence against children in promoting further implementation of the recommendations made in the United Nations study on violence against children, and encourages States to provide support to the Special Representative, including adequate and predictable financial support, for the continued, effective and independent performance of her mandate, as set out by the General Assembly in its resolution 62/141 of 18 December 2007, and invites the private sector to provide voluntary contributions for that purpose;

[70] A/61/299.

27. *Calls upon* States to take effective and appropriate legislative and other measures or, where they already exist, to strengthen legislation and policy to prohibit and eliminate all forms of violence against children in all settings;

28. *Also calls upon* States to take, as a matter of urgency, all appropriate measures to prevent, and to protect children from, torture and other cruel, inhuman or degrading treatment or punishment and from all forms of violence, including physical, mental and sexual violence, to tackle all forms of bullying, child abuse and exploitation, domestic violence and neglect, human trafficking and violence perpetrated by the police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, giving priority to the gender dimension, and to address underlying causes through a systematic and comprehensive approach;

29. *Further calls upon* States to ensure that all child victims of violence have access to appropriate child-sensitive health care and services, as well as social services, and that special attention is paid to the gender-specific needs of girls and boys who are victims of violence;

Identity, family relations and birth registration

30. *Urges* all States to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to ensure birth registration of all children immediately after birth, irrespective of their status, through universal, free, accessible, simple, expeditious and effective registration procedures in accordance with article 7 of the Convention on the Rights of the Child and article 24 of the International Covenant on Civil and Political Rights, to raise awareness of the importance of birth registration at the national, regional and local levels, to facilitate late registration of birth, and to ensure that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and other basic services;

31. *Recalls* that every child has the right to acquire a nationality, recognizes the special needs of children for protection against arbitrary deprivation of nationality, and encourages States that have not acceded to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness to consider doing so;

32. *Reaffirms* paragraphs 17 and 18 of Human Rights Council resolution 7/29, and calls upon States to consider ratifying the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and the Convention on the Civil Aspects of International Child Abduction;

33. *Encourages* States to take into account the Guidelines for the Alternative Care of Children, and to adopt and enforce laws and improve the implementation of policies and programmes, budget allocation and human resources to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child as age-appropriate and with his or her legal guardians;

34. *Calls upon* States to cooperate, to the extent consistent with the obligations of each State, to ensure the right of children whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by facilitating access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

Eradication of poverty

35. *Calls upon* States and the international community to support, cooperate and participate in the intensification of global efforts for poverty eradication at the global, regional and country levels by, inter alia, accelerating progress towards all development and poverty reduction goals, as set out in the Millennium Declaration and reaffirmed during its review, so as to ensure the realization of the rights of the child;

36. *Calls upon* States to ensure that all efforts to achieve child poverty-related international development goals by and beyond 2015 are guided by the obligations and commitments of States to respect, protect and fulfil human rights;

Right to the enjoyment of the highest attainable standard of health

37. *Calls upon* all States:

(a) To take all necessary measures to ensure that the right of the child to life, survival and the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination, including through the development and implementation of laws, strategies and policies, gender-responsive budgeting and resource allocation, and adequate investment in health systems, including comprehensive and integrated primary health care, and in the health work force, including in efforts to achieve health-related international development goals by and beyond 2015, and to ensure access to adequate food and nutrition, safe drinking water and sanitation;

(b) To address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing those children, their families and caregivers with support and rehabilitation, including social and psychological rehabilitation and care, including paediatric services and medicines, by intensifying efforts to develop tools for early diagnosis, child-friendly medicine combinations and new treatments for children, particularly for infants living in resource-limited settings, and by accelerating efforts towards the elimination of mother-to-child transmission of the virus;

(c) To ensure confidentiality and informed consent in the provision of health care and services, in particular with regard to sexual and reproductive health, to children and adolescents, according to their evolving capacities;

Right to education

38. *Also calls upon* all States:

(a) To recognize and ensure the realization of the right to education on the basis of equal opportunity and non-discrimination by making primary education available, free and compulsory for all children, ensuring that all children have access to good-quality education from an early age, and making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To ensure children's education is restored in emergency situations, and that disaster risk reduction strategies take into due account the right of the child to education;

(c) To design and implement programmes to provide pregnant adolescents and adolescent mothers with education, social services and support, to enable them to continue and complete their education and ensure that they are not discriminated against;

Child labour

39. *Further calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be

hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

40. *Urges* all States that have not yet ratified the Conventions of the International Labour Organization concerning the Minimum Age for Admission to Employment (Convention No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) to consider doing so as a matter of priority, and encourages States to consider ratifying the Convention on Decent Work for Domestic Workers (Convention No. 189);

41. *Notes with interest* the outcome of the Hague Global Child Labour Conference, including the Road Map for Achieving the Elimination of the Worst Forms of Child Labour by 2016;

IV. Prevention and eradication of the sale of children, child prostitution and child pornography

42. *Calls upon* all States:

(a) To take all measures necessary to eliminate, criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, human trafficking, child sex tourism, the sale of children for any purpose (including sexual exploitation, organ transfer, illegal adoption and forced labour), including when these acts are committed through the Internet, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To take effective measures to ensure the prosecution of offenders, including through international assistance in connection with investigations or criminal or extradition proceedings, and to increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To address effectively the needs of victims of human trafficking, sale of children, child prostitution and child pornography, including their safety and protection, physical and psychological recovery and full reintegration into their family and society, and bearing in mind the best interests of the child, to combat the demand that encourages such criminal practices against children and factors leading to these practices, and to take the measures necessary to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing all contributing root causes;

(d) To consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

V. Protection of children affected by armed conflict

43. *Condemns* in the strongest terms all violations of applicable international law committed against children in armed conflict involving the recruitment and use of children, as well as killing or maiming, rape or other sexual violence, abduction, attacks against schools and hospitals, denial of humanitarian access and the forced displacement of children and their families, and urges all parties to armed conflict to end all violations and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of crimes committed;

44. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council in the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of Security Council resolutions on children and armed conflict, in particular resolutions 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and of the undertaking by the Security Council to pay special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

45. *Notes with appreciation* the steps taken with regard to Security Council resolutions 1612 (2005), 1882 (2009) and 1998 (2011), and the efforts of the Secretary-General to implement the monitoring and reporting mechanism, including in collecting and providing timely, objective, accurate and reliable information on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with Governments and relevant United Nations and civil society actors, including at the country level, and recognizes in this respect the work of the office of the Special Representative of the Secretary-General for Children and Armed Conflict;

46. *Takes note* of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles), and encourages States that have not endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups (the Paris Commitments) to consider doing so, and to consider using the Paris Principles to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

47. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that, under the Convention, persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures, in particular long-term educational and social and economic measures, to ensure the demobilization and effective disarmament of children used in armed conflicts, and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and specific needs of girls affected by armed conflict, and paying special attention to their protection and welfare;

(c) To ensure that children accused of committing crimes during conflict while associated with armed forces are also treated as victims and that, in cases where accountability of the child is sought, the decision takes into consideration the best interests of the child and his or her reintegration into society;

(d) To take effective preventive measures against sexual exploitation and abuse by military and civilian peacekeepers, to ensure that investigations and prosecutions are carried out independently and in the best interests of the child, and to hold perpetrators to account;

48. *Calls upon* all States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully

the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977;

VI. Children and the administration of justice

49. *Reaffirms* all resolutions of the General Assembly and the Human Rights Council on juvenile justice, in particular Assembly resolution 65/213 of 21 December 2010 and Council resolution 18/12 of 29 September 2011;

50. *Encourages* States to develop and implement a comprehensive juvenile justice policy to protect and address the needs of children in contact with the law with a view to promoting, inter alia, crime prevention programmes, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

51. *Calls upon* States to abolish by law and in practice, as soon as possible, the death penalty and life imprisonment without possibility of release for those under 18 years of age at the time of the commission of the offence;

52. *Also calls upon* States to commute immediately such sentences and to ensure that any child previously sentenced to the death penalty or life imprisonment without possibility of release is removed from special prison facilities, especially from death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;

53. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they have the right to maintain contact with their family through correspondence and visits from the moment they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health care and services, hygiene and environmental sanitation, education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

54. *Urges* States to take special measures to protect children in contact with the law, including by means of the provision of adequate legal assistance, training in juvenile justice for judges, police officers, prosecutors and specialized lawyers, in addition to other representatives who provide other appropriate assistance, such as social workers; the establishment of specialized courts, as appropriate; the promotion of universal birth registration and age documentation; and the protection of the right of juvenile offenders to maintain contact with their families through correspondence and visits, save in exceptional circumstances;

55. *Also urges* States to presume children alleged as, accused of or recognized as having infringed the criminal law to be under the age of majority when their age is in doubt until such an assumption is rebutted by the prosecution, and to treat the accused as a juvenile if the burden is not met;

56. *Further urges* States to ensure that, from the very first contact with the justice system, special measures are in place so that the child understands the nature of proceedings and what is at stake for the child, and that the child is informed of his or her rights in a comprehensible manner, according to his or her age and level of maturity;

57. *Urges* States to ensure that the child is assisted during all judicial proceedings by a competent adult, parent or guardian, in addition to the child's lawyer, and to ensure that the child's right to be heard in proceedings is observed;

58. *Calls upon* States to respect the privacy of the child throughout criminal proceedings, and to ensure that any identification of the child is only made in exceptional and duly justified circumstances;

59. *Also calls upon* States to enact or review legislation to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization;

60. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

61. *Encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

62. *Calls upon* States to consider establishing independent national or subnational mechanisms to contribute to the monitoring and safeguarding of the rights of the child, including children within their criminal justice systems, and to address children's concerns;

63. *Encourages* States to foster close cooperation between the justice sectors, different services in charge of law enforcement, social welfare and education sectors in order to promote the use and improved application of alternative measures in juvenile justice;

64. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

65. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee of the Rights of the Child to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age, and, where applicable, to continue to increase it to a higher age level;

66. *Calls upon* relevant special procedures of the Human Rights Council to pay special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard;

67. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice, and encourages States to provide the secretariat of the Panel and its members with adequate resources;

Children of incarcerated parents

68. *Welcomes* the day of general discussion on children of incarcerated parents, held by the Committee on the Rights of the Child on 30 September 2011, takes note with interest of the outcomes thereof, and invites States to take the recommendations made at the discussion into account;

69. *Calls upon* States:

(a) To give priority, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary care-giver, to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child;

(b) To ensure that the best interests of the child should be a primary consideration in relation to the question of whether and how long children of imprisoned mothers should stay with them in prison, and emphasizing the responsibility of the State to provide adequate care for women in prison and their children;

(c) To provide children of persons accused or convicted of offences with access to their incarcerated parents or parental caregivers throughout judicial proceedings and the period of detention, including regular and private meetings with the prisoners, and, wherever possible, contact visits for younger children, subject to the best interests of the child, taking into account the need to ensure the administration of justice;

(d) To recognize, promote and protect the rights of the child affected by parental incarceration, in particular the right to have their best interests included as an important consideration in decisions relating to one or both of their parent's involvement with the criminal justice system, as well as the right not to be discriminated against because of the actions or alleged actions of one or both of their parents;

(e) Bearing in mind the best interests of the child, to keep children or their legal guardians informed of the place of imprisonment of their incarcerated parents or parental caregivers and, in advance, of any transfer, as well as of the progress of petitions for pardons, reports presented to bodies such as clemency commissions, and the reasoning behind the recommendations of these bodies to support or reject petitions;

(f) To ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;

VII. Follow-up

70. *Decides*:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, special procedures and special representatives of the United Nations system in the implementation of their mandates and, where appropriate, to invite States to continue to make voluntary contributions;

(b) To request the Secretary-General to submit to the Human Rights Council, at its twenty-second session, a report on the rights of the child, including information on the status of the Convention on the Rights of the Child;

(c) To remain seized of the issue and to consider, in accordance with the programme of work of the Human Rights Council, an omnibus resolution on the rights of the child every five years, and to focus on a theme of the rights of the child on an annual basis in the intervening period;

(d) To request the High Commissioner to prepare a summary of the full-day meeting on the rights of the child before the twenty-first session of the Human Rights Council;

(e) To focus its next full-day meeting on the right of the child to the enjoyment of the highest attainable standard of health, and invites the Office of the High Commissioner to prepare a report on that issue, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund, the World Health Organization and other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Human Rights Council at its twenty-second session, to inform the annual day of discussion on children's rights, and to request the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child.

55th meeting
23 March 2012

[Adopted without a vote.]

19/38
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009 and 65/169 of 20 December 2010,

Recalling further Human Rights Council resolution 17/23 of 17 June 2011,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international

economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Alarmed at cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States and has a negative impact on the application by States of the maximum available resources to the full realization of all human rights for all,

Deeply concerned that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by the phenomenon of corruption and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, and welcoming the growing number of States parties to it,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, as well as international and regional organizations, in preventing and combating all forms of corruption,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to overview the review process of the implementation of the Convention, to advise on the provision of technical assistance to building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights, and in line with the commitment made at the 2005 World Summit to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that

everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Acknowledging the progress made towards the implementation of the United Nations Convention against Corruption, while recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, and noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing also that legal difficulties are often exacerbated by factual and institutional obstacles,

Noting with deep concern that, as indicated in the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights,[71] only around 2 per cent of the estimated funds of illicit origin annually leaving the developing world are repatriated to their countries of origin,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

Convinced that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law, and stressing that any resource that the State is deprived of because of corruption has potentially the same negative effect, regardless of whether it is exported or domestically retained,

1. *Takes note with appreciation* of the comprehensive study prepared by the United Nations High Commissioner for Human Rights on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights;[1]

2. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

3. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, consistent with the United Nations Convention against Corruption and in line with the commitment made at the 2005 World Summit to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urges all States to step up their efforts to trace, freeze and recover those funds;

4. *Acknowledges* the importance of compliance with international human rights law in relation to the repatriation of funds of illicit origin through, inter alia, promoting human rights-based policy coherence in the deliberations and actions by States Members of the Human Rights Council and in the intergovernmental process of implementing the United Nations Convention against Corruption;

[71] A/HRC/19/42.

5. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery, bearing in mind that, regardless of the capacities, resources and willingness of the requesting State's institutions and authorities, there is a victim society that is suffering the consequences of the transfer of those funds;

6. *Welcomes* the decision made at the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist States with regard to extradition and mutual legal assistance, and notes with appreciation the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

7. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corruption practices and the transfer of assets of illicit origin, consistent with the principles of the United Nations Convention against Corruption, and, in this regard, encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

8. *Calls upon* all States requested to repatriate funds of illicit origin to fully uphold their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to acknowledge that, in fulfilling their obligations in this regard under the United Nations Convention against Corruption, they also have a responsibility towards societies affected by corruption to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between anti-corruption agencies, law enforcement agencies and financial intelligence units, in particular taking into account the risks of dissipation of those funds, and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

9. *Also calls upon* all States requesting the repatriation of funds of illicit origin to fully uphold their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

10. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests and, in this context, encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

11. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the guiding principles on business and human rights;[72]

12. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

13. *Requests* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights to present to the Human Rights Council, at its twenty-second session, an in-depth study on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the application by States of the maximum available resources to the full realization of all human rights, in particular economic, social and cultural rights, with special attention paid to developing countries and countries with economies in transition burdened by foreign debt;

14. Requests the High Commissioner to bring the present resolution to the attention of all Member States and different forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of State Parties to the United Nations Convention against Corruption;

15. Decides to continue its consideration of this matter under the same agenda item.

55th meeting
23 March 2012

[Adopted by a recorded vote of 35 to 1, with 11 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland]

[72] A/HRC/17/31, annex.

19/39
Assistance for Libya in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the other relevant international human rights treaties,

Recalling General Assembly resolutions 60/251 of 15 March 2006, and 66/11 of 18 November 2011, on the restoration of the rights of membership of Libya in the Human Rights Council,

Recalling also Human Rights Council resolution 5/1 of 18 June 2007 on institution-building of the Council,

Recalling further Human Rights Council resolutions S-15/1 of 25 February 2011, 17/17 of 17 June 2011 and 18/9 of 29 September 2011,

Reaffirming that all States are bound to promote and protect all human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

Reaffirming also that it is the primary responsibility of States to promote and protect all human rights and fundamental freedoms,

Recalling its strong commitment to the sovereignty and independence, unity and territorial integrity of Libya,

1. *Welcomes*:

(a) The Constitutional Charter for the Transitional Stage in Libya of 3 August 2011, where promotion and protection of human rights are core elements;

(b) The statement made by the Prime Minister of Libya on 28 February 2012, during the high-level segment of the nineteenth session of the Human Rights Council, including the invitation addressed to the United Nations High Commissioner for Human Rights to visit Libya, and the willingness to extend a standing invitation to thematic special procedures to visit the country in due course;

(c) The ongoing efforts of the transitional Government of Libya to fulfil its obligations under the international human rights treaties to which Libya is party, to promote and protect human rights and fundamental freedoms, and to cooperate with the Human Rights Council and the Office of the High Commissioner;

(d) The recent establishment of a national institution for human rights, namely, the Council of Human Rights and Fundamental Freedoms in Libya;

(e) The political transitional process in Libya, and the arrangements to hold the election of the Libyan National Congress later in 2012, as a step towards the establishment of a constitution and constitutional institutions that promote and protect human rights and fundamental freedoms;

2. *Commends* the courage of the people of Libya, and strongly supports the efforts of the transitional Government of Libya towards a swift and peaceful political transition and the full realization of human rights;

3. *Takes note* of the final report submitted by the international commission of inquiry on Libya,[73] and encourages the transitional Government of Libya to implement the recommendations addressed to it;

4. *Recognizes* the ongoing human rights challenges in Libya, and strongly encourages the transitional Government of Libya to increase its efforts to protect and promote human rights and prevent any violations;

5. *Takes note* of the adoption of the report of the Working Group on the Universal Periodic Review on Libya[74] at the nineteenth session of the Human Rights Council, and commends the cooperation of Libya with Council mechanisms, including its willingness to implement the accepted recommendations contained in the addendum to the above-mentioned report;[75]

6. *Strongly encourages* the transitional Government of Libya to investigate human rights violations and to bring those responsible before Libyan Justice;

7. *Recognizes* that the availability of Libyan resources may help the transitional Government of Libya to utilize those resources in the field of human rights;

8. *Requests* the Office of the High Commissioner, in collaboration with the transitional Government of Libya and upon its request, to explore ways of cooperation in the field of human rights, including technical assistance and capacity-building;

9. *Invites* the Office of the High Commissioner to inform the Human Rights Council, at its twenty-second session, under agenda item 10, on its technical assistance, capacity-building and cooperation with the transitional Government of Libya.

55th meeting
23 March 2012

[Adopted without a vote.]

B. Decisions

19/101
Outcome of the universal periodic review: Tajikistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Tajikistan on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Tajikistan which is constituted of the report of the Working Group on Tajikistan (A/HRC/19/3), together with the views of Tajikistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the

[73] A/HRC/19/68.
[74] A/HRC/16/15.
[75] A/HRC/16/15/Add.1.

plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/3/Add.1 and A/HRC/19/2, chap. VI).

37th meeting
14 March 2012

[Adopted without a vote.]

19/102
Outcome of the universal periodic review: United Republic of Tanzania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the United Republic of Tanzania on 3 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the United Republic of Tanzania which is constituted of the report of the Working Group on the United Republic of Tanzania (A/HRC/19/4), together with the views of the United Republic of Tanzania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/4/Add.1 and A/HRC/19/2, chap. VI).

37th meeting
14 March 2012

[Adopted without a vote.]

19/103
Outcome of the universal periodic review: Libya

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Libya on 9 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Libya which is constituted of the report of the Working Group on Libyan Arab Jamahiriya (A/HRC/16/15), together with the views of Libya concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/16/15/Add.1 and A/HRC/19/2, chap. VI).

37th meeting
14 March 2012

[Adopted without a vote.]

19/104
Outcome of the universal periodic review: Swaziland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Swaziland on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Swaziland which is constituted of the report of the Working Group on Swaziland (A/HRC/19/6), together with the views of Swaziland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/6/Add.1 and A/HRC/19/2, chap. VI).

38th meeting
15 March 2012

[Adopted without a vote.]

19/105
Outcome of the universal periodic review: Trinidad and Tobago

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Trinidad and Tobago on 5 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Trinidad and Tobago which is constituted of the report of the Working Group on Trinidad and Tobago (A/HRC/19/7), together with the views of Trinidad and Tobago concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/7/Add.1 and A/HRC/19/2, chap. VI).

38th meeting
15 March 2012

[Adopted without a vote.]

19/106
Outcome of the universal periodic review: Thailand

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Thailand on 5 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Thailand which is constituted of the report of the Working Group on Thailand (A/HRC/19/8), together with the views of Thailand concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/8/Add.1 and A/HRC/19/2, chap. VI).

38th meeting
15 March 2012

[Adopted without a vote.]

19/107
Outcome of the universal periodic review: Ireland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Ireland on 6 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Ireland which is constituted of the report of the Working Group on Ireland (A/HRC/19/9), together with the views of Ireland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/9/Add.1 and A/HRC/19/2, chap. VI).

39th meeting
15 March 2012

[Adopted without a vote.]

19/108
Outcome of the universal periodic review: Togo

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Togo on 6 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Togo which is constituted of the report of the Working Group on Togo (A/HRC/19/10), together with the views of Togo concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/10/Add.1 and A/HRC/19/2, chap. VI).

39th meeting
15 March 2012

[Adopted without a vote.]

19/109
Outcome of the universal periodic review: Syrian Arab Republic

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Syrian Arab Republic on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Syrian Arab Republic which is constituted of the report of the Working Group on the Syrian Arab Republic (A/HRC/19/11), together with the views of the Syrian Arab Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/11/Add.1 and A/HRC/19/2, chap. VI).

39th meeting
15 March 2012

[Adopted without a vote.]

19/110
Outcome of the universal periodic review: Venezuela (Bolivarian Republic of)

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Venezuela (Bolivarian Republic of) on 7 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Venezuela (Bolivarian Republic of), which is constituted of the report of the Working Group on Venezuela (Bolivarian Republic of) (A/HRC/19/12), together with the views of Venezuela (Bolivarian Republic of) concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/12/Add.1 and A/HRC/19/2, chap. VI).

40th meeting
15 March 2012

[Adopted without a vote.]

19/111
Outcome of the universal periodic review: Iceland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Iceland on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Iceland which is constituted of the report of the Working Group on Iceland (A/HRC/19/13), together with the views of Iceland concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/13/Add.1 and A/HRC/19/2, chap. VI).

40th meeting
15 March 2012

[Adopted without a vote.]

19/112
Outcome of the universal periodic review: Zimbabwe

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Zimbabwe on 10 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Zimbabwe which is constituted of the report of the Working Group on Zimbabwe (A/HRC/19/14), together with the views of Zimbabwe concerning the recommendations and/or conclusions, as well as its

voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/2, chap. VI).

40th meeting
15 March 2012

[Adopted without a vote.]

19/113
Outcome of the universal periodic review: Lithuania

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Lithuania on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Lithuania which is constituted of the report of the Working Group on Lithuania (A/HRC/19/15), together with the views of Lithuania concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/15/Add.1 and A/HRC/19/2, chap. VI).

41st meeting
16 March 2012

[Adopted without a vote.]

19/114
Outcome of the universal periodic review: Uganda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Uganda on 11 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Uganda which is constituted of the report of the Working Group on Uganda (A/HRC/19/16), together with the views of Uganda concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/2, chap. VI).

41st meeting
16 March 2012

[Adopted without a vote.]

19/115
Outcome of the universal periodic review: Timor-Leste

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Timor-Leste on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Timor-Leste which is constituted of the report of the Working Group on Timor-Leste (A/HRC/19/17), together with the views of Timor-Leste concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/17/Add.1 and A/HRC/19/2, chap. VI).

41st meeting
16 March 2012

[Adopted without a vote.]

19/116
Outcome of the universal periodic review: Republic of Moldova

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Republic of Moldova on 12 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Republic of Moldova which is constituted of the report of the Working Group on the Republic of Moldova (A/HRC/19/18), together with the views of the Republic of Moldova concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/18/Add.1 and A/HRC/19/2, chap. VI).

42nd meeting
16 March 2012

[Adopted without a vote.]

19/117
Outcome of the universal periodic review: Haiti

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Haiti on 13 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Haiti which is constituted of the report of the Working Group on Haiti (A/HRC/19/19), together with the views of Haiti concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/19/Add.1 and A/HRC/19/2, chap. VI).

42nd meeting
16 March 2012

[Adopted without a vote.]

19/118
Outcome of the universal periodic review: Antigua and Barbuda

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Antigua and Barbuda on 4 October 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Antigua and Barbuda which is constituted of the report of the Working Group on Antigua and Barbuda (A/HRC/19/5), together with the views of Antigua and Barbuda concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/19/5/Add.1 and A/HRC/19/2, chap. VI).

42nd meeting
16 March 2012

[Adopted without a vote.]

19/119
Task force on secretariat services, accessibility for persons with disabilities and use of information technology

At its 52nd meeting, on 22 March 2012, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recalling General Assembly resolution 65/281 of 29 June 2011 on the review of the Human Rights Council,

Recalling also Human Rights Council resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Human Rights Council, in particular paragraph 61 of the annex thereto, in which the Council decided to establish a task force to study the issues of secretariat services, accessibility for persons with disabilities and use of information technology, as envisaged in paragraphs 57, 58, 59 and 60 of the annex,

Recalling further that, in resolution 16/21, the Human Rights Council requested the task force to submit concrete recommendations to the Council at its nineteenth session,

Reaffirming that compliance with the applicable rules of procedure of the Council shall be ensured,

1. *Welcomes* the report submitted by the task force, annexed to the present decision;

2. *Endorses* the report of the task force, including its recommendations with the modalities made therein in the report;

3. *Invites* all concerned stakeholders to follow up adequately on the recommendations with the modalities described made by the task force in its report, and to immediately commence implementing those without financial implications and those which may be implemented from within existing resources;

4. *Decides* to consider, at its twenty-first session, the task force recommendations with the modalities described in the report that cannot be implemented from within existing resources, in the context of the preparations for the 2014 2015 regular budget biennium, and to transmit thereafter the task force recommendations together with relevant programme budget implications to the General Assembly for its consideration;

5. *Invites* the Human Rights Council to review the status of implementation of the task force recommendations contained in its report at its twenty-second session."

[Adopted without a vote.]

C. President's statements

PRST/19/1

At the 53rd meeting, held on 22 March 2012, the President of the Human Rights Council read out the following statement:

"*The Human Rights Council,*

Bearing in mind President's statement 18/2 of 20 September 2011,

1. *Welcomes* the decision by the United Nations High Commissioner for Human Rights that the launch of the annual report of the Office of the High Commissioner will be accompanied, annually, by meetings with the participation of States Members of the United Nations and other stakeholders to provide information on, inter alia, the issues identified in the fourth paragraph of President's statement 18/2;

2. *Also welcomes* the assurance of the High Commissioner to take into account the comments made during the meetings, and that the said comments will be compiled by the Office of the High Commissioner and made publicly available."

[Adopted without a vote.]

PRST 19/2
Situation of human rights in Haiti

At the nineteenth session of the Human Rights Council, held from 27 February to 23 March 2012, during consideration of agenda item 10, entitled "Technical assistance and capacity-building", the President of the Council made the following statement:

"1. The Human Rights Council welcomes the latest legal and political developments in Haiti, which have been marked by:

(a) The recent peaceful transfer of power from one democratically elected president to another who is from an opposition party, and stresses the importance of ensuring that forthcoming local and parliamentary elections are carried out under proper conditions;

(b) The appointment and investiture of 11 of the 12 judges of the Court of Cassation, including the chief justice, and progress towards placing sufficient material and human resources at the disposal of the justice system to permit the implementation of the judicial reform adopted in 2007, and underscores the need to improve the operation of the Haitian prison system.

2. The Council also welcomes the Haitian authorities' plans to build housing for victims of the earthquake of 12 January 2010. It further welcomes the establishment of a special fund for children's schooling in Haiti.

3. The Council applauds the reaffirmation of the Haitian authorities' commitment and determination to improve the living conditions of Haitian women and men by, inter alia, devoting greater attention to respect for human rights.

4. The Council also applauds the priorities set by the President of the Republic, which include the rule of law, education, the environment and employment, and urges donors to honour their commitments without delay.

5. The Council emphasizes that the strengthening of national human rights institutions, such as the Office of Citizen Protection, as well as respect for human rights and due process of law, the fight against crime and its causes, and the effort to combat impunity are essential in order to ensure the rule of law and security in Haiti.

6. The Council invites the Government of Haiti to continue to adopt the necessary political and legal measures, including measures to combat the trafficking of children, in order to guarantee the rights of members of vulnerable groups.

7. The Council also invites the Government of Haiti to continue to adopt the necessary political and legal measures to increase women's participation in political affairs and to continue to combat gender-based violence and discrimination.

8. The Council is aware of the many obstacles to development in Haiti and the difficulties encountered by its leaders following the earthquake of 12 January 2010. It recognizes that the full enjoyment of civil and political, economic, social and cultural human rights is a factor in peace, stability and development in Haiti.

9. The Council encourages the international community as a whole and, in particular, international donors, the Group of Latin American and Caribbean States, the group of countries known as the Friends of Haiti and United Nations specialized agencies to step up their cooperation with the Haitian authorities with a view to the full realization in Haiti of civil, political, economic, social and cultural rights, including the right to development.

10. The Council welcomes the request of the Haitian authorities for a one-year extension of the mission of the independent expert on the situation of human rights in Haiti, whose mandate concerns technical assistance and capacity-building, and decides to approve this request.

11. The Council encourages the independent expert to work with international institutions, donors and the international community to raise their awareness of the need to provide their expertise and sufficient resources to support the Haitian authorities' efforts to rebuild the country in the wake of the earthquake of 12 January 2010.

12. The Council also encourages the independent expert to continue to work with Haitian non-governmental organizations and civil society organizations in Haiti.

13. The Council invites the independent expert to assist the Government of Haiti to act upon the recommendations made in the course of the universal periodic review. He will also provide his experience, expertise and contribution to the cause of human rights, including civil and political rights and with particular emphasis on economic, social and cultural rights, in Haiti.

14. The Council also invites the independent expert to submit his report at the twentieth session, to pursue his mission in Haiti in the near future and to report to the Council thereon at its twenty-second session. It encourages the Haitian authorities to continue to cooperate with the independent expert."

55th meeting
23 March 2012

[Adopted without a vote.]

IV. Twentieth session

A. Resolutions

20/1
Trafficking in persons, especially women and children: access to effective remedies for trafficked persons and their right to an effective remedy for human rights violations

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 of 18 December 2008 and 64/178 of 18 December 2009, and Human Rights Council resolutions 8/12 of 18 June 2008, 11/3 of 17 June 2009, 14/2 of 23 June 2010 and 17/1 of 6 July 2011, in which the Council extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recalling also the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization, and welcoming the adoption by that Organization of the Domestic Workers Convention, 2011 (No. 189) and of the Domestic Workers Recommendation, 2011 (No. 201),

Taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking[76] and the commentary thereon developed by the Office of the United Nations High Commissioner for Human Rights,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of trafficked persons to human rights violations,

Affirming that trafficking in persons violates and impairs the enjoyment of human rights and fundamental freedoms, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for its eradication,

[76] E/2002/68/Add.1.

Recognizing that victims of trafficking are often subject to multiple forms of discrimination and violence, including on the grounds of gender, age, disability, ethnicity, culture and religion, as well as national or social origin, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that women and children without nationality or without birth registration are particularly vulnerable to trafficking in persons,

Noting that some of the demand for sexual exploitation, forced labour and removal of organs is met by trafficking in persons,

Bearing in mind that the right to an effective remedy as enshrined in article 2.3 (a), (b) and (c) of the International Covenant on Civil and Political Rights is a human right of all persons whose human rights have been violated, including trafficked persons, that States have an obligation to respect, protect and fulfil,

Emphasizing that States' responses to trafficking should take fully into account their human rights obligations with the objective of guaranteeing the full enjoyment of human rights of trafficked persons, which includes implementing the right to an effective remedy for trafficked persons whose human rights have been violated,

Emphasizing also that, owing to the interrelated nature of the different components of an effective remedy, States should provide, as appropriate in each individual case, assistance and support aimed at restitution, rehabilitation, compensation and satisfaction, and guarantees of non-repetition,

Emphasizing further that policies and programmes for rehabilitation, access to justice and compensation should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights, and with the involvement of all relevant actors, taking into account the specific protection needs of trafficked persons in countries of origin, transit and destination,

Welcoming in particular the efforts of States, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children, including the United Nations Global Plan of Action to Combat Trafficking, adopted by the General Assembly in its resolution 64/293 of 30 July 2010, the Global Initiative to Fight Human Trafficking, the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Inter-Agency Coordination Group against Trafficking in Persons, and the United Nations Task Force on Transnational Organized Crime and Drug Trafficking,

Taking note of the *Global Report on Trafficking in Persons* of the United Nations Office on Drugs and Crime and the *Global Report on Forced Labour* of the International Labour Organization,

Taking note with appreciation of the report of the Special Rapporteur on trafficking in persons, especially women and children,[77]

1. *Reiterates its concern* at:

(a) The high number of persons, especially women and children, who are being trafficked within and between regions and States;

[77] A/HRC/17/35.

(b) The increasing activities of transnational and national organized crime groups and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions, in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation that constitute trafficking, such as for trafficking in women for forced marriages, for forced labour and services and for exploitation in sex tourism, as well as trafficking in children for, inter alia, child pornography, paedophilia, forced labour and services, and any other form of exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

(e) The lack of effective remedies for trafficked persons globally, including the possibility of obtaining compensation for damage suffered;

2. *Encourages* States to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights1 as a useful tool in integrating a human rights-based approach into their responses to provide a full range of effective remedies to trafficked persons and, in the case of trafficked children, to uphold, at a minimum, the general principles of the Convention on the Rights of the Child;

3. *Urges* States to recognize trafficked persons as victims with specific protection needs from the moment they are trafficked, and to ensure the promotion, protection and fulfilment of their human rights, including the right to an effective remedy for breaches of these rights;

4. *Encourages* States, guided by their human rights obligations and with a view to respect, protect and fulfil the human rights of trafficked persons, including their right to an effective remedy for human rights violations, to implement the following measures, inter alia:

(a) Ensuring that, in order to most effectively protect victims and bring their abusers to justice, national laws criminalize all forms of trafficking in persons in accordance with the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, regardless of whether the offence is transnational in nature or involves organized crime;

(b) Ensuring adequate procedures are in place to enable rapid and accurate identification of trafficked persons with their consent, regardless of whether the offence is transnational in nature or involves organized crime;

(c) Providing trafficked persons with appropriate, relevant and understandable information on their rights, including the right to a remedy, the mechanisms and procedures available to exercise these rights, and on how and where to obtain legal and other necessary assistance by, inter alia, developing guidelines and ensuring that such guidelines are properly applied;

(d) Providing victims of trafficking with a recovery and/or reflection period to adequately recover and escape the influence of traffickers and/or to make an informed decision on cooperating with the competent authorities, during which time trafficked persons should not be subject to an expulsion order;

(e) Facilitating legal assistance for trafficked persons so that they may exercise their right to an effective remedy, and ensuring that lawyers providing such assistance have

received adequate training in the rights of trafficked persons, including children, and in effective communication with victims of trafficking;

(f) Ensuring that trafficked persons are provided with appropriate protection for their privacy and safety when taking part in legal proceedings;

(g) Reviewing eligibility criteria that might have the effect of preventing trafficked persons from seeking compensation, such as nationality and residence requirements where State-funded compensation schemes for victims of crime exist;

(h) Issuing a renewable residence permit to victims of trafficking, without prejudice to the right to seek and enjoy asylum, when the competent authority considers that their stay is necessary for the purpose of their cooperation with the competent authorities in investigations or criminal proceedings;

(i) Providing and/or intensifying training, including human rights education and training, for relevant authorities and officials, such as police, border guards, consular officers and labour inspectors, as well as immigration officials, in the identification of trafficked persons to allow rapid and accurate identification of trafficked persons with their consent, and training for the judiciary, prosecutors and lawyers on laws and issues pertaining to the rights of trafficking in persons and relevant legal procedures, and by adopting system-wide approaches, including case management support and multidisciplinary teams in countries of both destination and origin;

(j) Training law enforcement officials in identifying, tracing, freezing and confiscating assets connected to the crime of trafficking and, with full respect for the budgetary competences of Member States, ensuring that their domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damages suffered;

(k) Ensuring that the best interest of the child is a primary consideration in all decisions or actions that affect trafficked children, whether made by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, in particular by respecting the right of trafficked children to be heard and to express their views freely in all matters affecting them, and to give due consideration to these views in accordance with their age and maturity;

(l) Ensuring that trafficked children are equipped with information on all matters affecting their interests, including their situation and the legal options, entitlements and services available to them, and processes of family reunification or repatriation, and to ensure that trafficked children have access to legal, interpretative and other necessary assistance provided by professionals trained in child rights and in communicating with trafficked children;

5. *Calls upon* States to consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

6. *Urges* States and requests United Nations funds, agencies and programmes, and other relevant international, regional and subregional organizations within their respective mandates, to continue to contribute to the full and effective implementation of the Global Plan of Action to Combat Trafficking in Persons;

7. *Urges* States, regional and subregional organizations to develop collective regional strategies and plans of action to combat trafficking in persons;

8. *Requests* the Office of the High Commissioner to organize, in close cooperation with the Special Rapporteur on trafficking in persons, especially women and children, consultations with States, regional intergovernmental bodies and organizations and civil society on the draft basic principles on the right to effective remedy for trafficked persons, and to submit a summary thereon to the Human Rights Council at its twenty-sixth session;

9. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the United Nations Trust Fund on Contemporary Forms of Slavery;

10. *Calls upon* all States to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to the mandate holder's requests to visit their countries and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively, including by giving input to the Special Rapporteur on the draft basic principles on the right to an effective remedy for trafficked persons, annexed to her report submitted to the Human Rights Council;[78]

11. *Requests* the Office of the High Commissioner to continue and strengthen its activities, including technical assistance and capacity-building, devoted to combating trafficking in persons in coordination with relevant international agencies;

12. *Also requests* the Office of the High Commissioner to promote the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office at the regional and subregional levels;

13. *Requests* the Secretary-General to provide the Office of the High Commissioner with resources sufficient to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

14. *Decides* to continue consideration of this matter under the same agenda item in accordance with its annual programme of work.

31st meeting
5 July 2012

[Adopted without a vote.]

20/2
Conscientious objection to military service

The Human Rights Council,

Bearing in mind that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

[78] A/HRC/17/35.

Reaffirming that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling all previous relevant resolutions and decisions, including Human Rights Council decision 2/102 of 6 October 2006 and Commission on Human Rights resolutions 2004/35 of 19 April 2004 and 1998/77 of 22 April 1998, in which the Commission recognized the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights and general comment No. 22 (1993) of the Human Rights Committee,

1. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with all States, relevant United Nations agencies, programmes and funds, intergovernmental and non-governmental organizations and national human rights institutions, a quadrennial analytical report on conscientious objection to military service, in particular on new developments, best practices and remaining challenges, and to submit the first report to the Human Rights Council at its twenty-third session, under agenda item 3;

2. *Encourages* all States, relevant United Nations agencies, programmes and funds, intergovernmental and non-governmental organizations and national human rights institutions to cooperate fully with the Office of the High Commissioner by providing relevant information for the preparation of the report on conscientious objection to military service;

3. *Calls upon* all States to continue to review, as appropriate, their laws, policies and practices relating to conscientious objection to military service, including by considering, inter alia, introducing alternatives to military service, in the light of the present resolution.

31st meeting
5 July 2012

[Adopted without a vote.]

20/3
Human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations, the International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families and the Convention against Discrimination in Education,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of migrants and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

Stressing the obligation of States to protect the human rights of migrants, regardless of their legal status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and other relevant international instruments,

Reaffirming also the need for adequate financial resources so that everyone can realize his or her right to education and the importance in this regard of national resource mobilization and international cooperation,

Recalling the Global Forum on Migration and Development process, including the debates on migratory mobility, which emphasize the importance of facilitating access to regular forms of migration and, where applicable, to social services, including education, that contribute to the strengthening of the personal development prospects and outcomes for migrants and their families,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

Considering that, in accordance with their international human rights obligations, States are responsible for promoting and protecting human rights, including the right to education, without discrimination,

Noting the observation of the Special Rapporteur on the right to education that States' obligations to ensure the provision of adequate resources to overcome constraints to the realization of the right to education consistently figure in the concluding observations adopted by the United Nations human rights treaty bodies,[79]

Considering the need for all relevant stakeholders to achieve the goals of the Education for All initiative[80] as well as Millennium Development Goal 2, as contained in the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly,[81] by, inter alia, tackling persistent economic and social inequalities, including on the basis of such factors as income, gender, location, ethnicity, language and disability, and noting the role that good governance can play in that regard,

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[79] A/66/269, para. 8.

[80] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

[81] General Assembly resolution 65/1.

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time when migration flows have increased in the globalized economy and take place in a context of new security concerns,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Mindful that migrant access to education may help to mitigate the risk of widening inequalities in education,

1. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

2. *Stresses* that education contributes to the full enjoyment of human rights;

3. *Calls upon* States to recognize and respect the right of everyone to education, as enshrined in the Universal Declaration of Human Rights, and encourages them to take steps that promote the prevention and elimination of discriminatory policies that deny migrant children and children of migrants access to education;

4. *Expresses concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, including the enjoyment of the right to education;

5. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

6. *Reaffirms the fact* that all migrants are entitled to equal protection by the law and that all persons, regardless of their migratory status, are equal before the courts and tribunals and, in the determination of their rights and obligations in a suit at law, are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

7. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law;

8. *Urges* States to take specific measures to promote access to education for everyone, including by taking into account physical, financial, cultural and linguistic barriers that may contribute to furthering inequalities;

9. *Encourages* countries of origin, transit and destination to seek technical assistance and/or to collaborate with the Office of the United Nations High Commissioner for Human Rights to better promote and protect the human rights of migrants, including the right to education;

10. *Requests* the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the right to education, within their respective mandates, to continue their efforts to promote and support the building of greater synergies among States to strengthen cooperation and assistance for the protection of the human rights of all migrants and to promote their right to education;

11. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on practical solutions, including by identifying best practices and concrete areas and means for international cooperation, in order to enhance the protection of human rights of migrants.

31st meeting
5 July 2012

[Adopted without a vote.]

20/4
The right to a nationality: women and children

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality, and article 2 of the same Declaration, according to which everyone is entitled to the rights and freedoms set forth in the Declaration, without distinction of any kind, including on the basis of sex,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Acknowledging that the right to a nationality is a universal human right and that no one may be arbitrarily denied or deprived of a nationality, including on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Noting the provisions of international and regional human rights instruments recognizing the right of every child to acquire a nationality and not be arbitrarily deprived of his or her nationality, inter alia, article 24, paragraph 3, of the International Covenant on Civil and Political Rights, articles 7 and 8 of the Convention on the Rights of the Child, and article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and recognizing the equal right to nationality, including article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, and article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting also the provisions of international and regional human rights and other instruments that specify the obligations of States parties to register every child immediately after birth, inter alia, article 24, paragraph 2, of the International Covenant on Civil and Political Rights and article 7 of the Convention on the Rights of the Child, and the role that birth registration plays in preventing statelessness,

Bearing in mind the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons,

Recalling Human Rights Council resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009 and 13/2 of 24 March 2010, as well as resolutions 12/6 and 12/17 of 1 October 2009 and 19/9 of 22 March 2012,

Emphasizing that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community,

Recalling General Assembly resolution 66/133 of 19 December 2011, in which the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Welcoming the increased efforts of the Office of the United Nations High Commissioner for Refugees to prevent and reduce statelessness among women and children and, where necessary, to provide protection for stateless women and children,

Welcoming also the intergovernmental event held at the ministerial level of States Members of the United Nations on the occasion of the sixtieth anniversary of the Convention relating to the Status of Refugees and the fiftieth anniversary of the Convention on the Reduction of Statelessness, in particular the pledges made by States,

Taking into consideration the fact that all persons, particularly women and children, without nationality or without birth registration are vulnerable to trafficking in persons and other abuses and violations of their human rights,

1. *Reaffirms* that the right to a nationality is a universal human right enshrined in the Universal Declaration of Human Rights, and that every man, woman and child has the right to a nationality;

2. *Recognizes* that it is up to each State to determine by law who its nationals are, provided that such determination is consistent with its obligations under international law;

3. *Calls upon* all States to adopt and implement nationality legislation consistent with their obligations under international law with a view to prevent and reduce statelessness among women and children;

4. *Encourages* States to facilitate, in accordance with their national law, the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless;

5. *Urges* all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoid statelessness, in particular among women and children;

6. *Urges* States to reform nationality laws that discriminate against women by granting equal rights to men and women to confer nationality to their children and regarding the acquisition, change or retention of their nationality;

7. *Also urges* States to grant nationality to foundlings found in their territory in the absence of proof that the foundling is not a national of the State where found;

8. *Calls upon* States to ensure free birth registration, including free or low-fee late birth registration, for every child, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights;

9. *Urges* all States to ensure that their international obligations and procedural safeguards are observed in all decisions concerning the acquisition, deprivation, loss or change of nationality, including availability of effective and timely judicial review;

10. *Calls upon* States to ensure that effective and appropriate remedies are available to all persons, in particular women and children, whose right to a nationality has been violated, including restoration of nationality and expedient provision of documentary proof of nationality by the State responsible for the violation;

11. *Encourages* relevant special procedures of the Human Rights Council, including the Working Group on the issue of discrimination against women in law and in practice, as well as specialized agencies, including the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women, and invites treaty bodies, in coordination with the Office of the United Nations High Commissioner for Refugees, to address and highlight issues relating to the right to nationality and statelessness among women and children, within their mandates;

12. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness if they have not already done so;

13. *Calls upon* States to implement their international legal obligations to combat human trafficking, including the identification of potential victims of trafficking and the provision of appropriate assistance to stateless persons who may be victims of trafficking, paying particular attention to trafficking in women and children;

14. *Calls upon* all States to ensure that all persons, in particular women and children, regardless of their nationality status, enjoy their human rights and fundamental freedoms;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with the Office of the United Nations High Commissioner for Refugees, the Working Group on the issue of discrimination against women in law and in practice, States and other relevant stakeholders, a report on discrimination against women in nationality-related matters, including the impact on children, under national and international law, including best practices by States and other measures that eliminate nationality discrimination against women and avoid or reduce statelessness before the twenty-third session of the Human Rights Council.

31st meeting
5 July 2012

[Adopted without a vote.]

20/5
Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his or her nationality,

Reaffirming Human Rights Council resolutions 7/10 of 27 March 2008, 10/13 of 26 March 2009 and 13/2 of 24 March 2010, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and the arbitrary deprivation of nationality,

Reaffirming also Human Rights Council resolution 19/9 of 22 March 2012, in which the Council took into consideration the fact that persons without birth registration may be vulnerable to statelessness and associated lack of protection,

Recognizing the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the provisions of international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights, articles 7 and 8 of the Convention on the Rights of the Child, articles 1 to 3 of the Convention on the Nationality of Married Women, article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, article 18 of the Convention on the Rights of Persons with Disabilities, the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, as well as relevant regional instruments,

Noting also general recommendation No. 30 of the Committee on the Elimination of Racial Discrimination,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law, as well as by instruments on statelessness, including, with respect to State parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 66/133 of 19 December 2011, in which the Assembly, inter alia, urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions on the issue of the nationality of natural persons in relation to the succession of States, in particular resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004, 63/118 of 11 December 2008 and 66/92 of 9 December 2011, in which the Assembly invited States to take into account the provisions of the articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission in dealing with issues of nationality of natural persons in relation to the succession of States,

Recognizing that the arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the Independent Expert on minority issues on the subject of the right to nationality,

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at the various forms of discrimination

against stateless persons that may violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right enshrined in, inter alia, the Universal Declaration of Human Rights;

2. *Reiterates* that the arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, is a violation of human rights and fundamental freedoms;

3. *Also reiterates* that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

4. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

5. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with the principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of the arbitrary deprivation of nationality, and that such individuals are placed in a situation of increased vulnerability to human rights violations;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and limited legal capacity, which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment, health and social security;

8. *Reaffirms* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against the arbitrary deprivation of nationality;

9. *Urges* all States to prevent statelessness through legislative and other measures aimed at ensuring that all children are registered immediately after birth and have the right to acquire a nationality and that individuals do not become stateless thereafter;

10. *Calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

11. *Encourages* States to grant their nationality to persons who had habitual residence in their territory before it was affected by the succession of States, especially if those persons would otherwise become stateless;

12. *Calls upon* States to ensure the access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, the restoration of nationality;

13. *Welcomes* the report of the Secretary-General submitted in accordance with Human Rights Council resolution 13/2[82] and the conclusions contained therein;

14. *Also welcomes* the intergovernmental event organized by the Office of the United Nations High Commissioner for Refugees on 7 December 2011 marking the sixtieth anniversary of the Convention on the Status of Refugees and the fiftieth anniversary of the Convention on the Reduction of Statelessness, and the pledges made by States at the said event in the field of the reduction of statelessness, prevention of statelessness and protection of stateless persons;

15. *Encourages* States to consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction on Statelessness, if they have not already done so;

16. *Welcomes* the ongoing efforts made in the field of the reduction of statelessness and combating arbitrary deprivation of nationality by different United Nations bodies and entities and human rights treaty bodies, and notes with appreciation in this regard the guidance note of the Secretary-General entitled "The United Nations and Statelessness", and the guidelines on statelessness issued by the United Nations High Commissioner for Refugees;

17. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources, and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

18. *Requests* the Secretary-General to prepare a report on legislative and administrative measures that may lead to the deprivation of nationality of individuals or groups of individuals, paying particular attention to situations where persons affected may be left stateless, to collect in this regard information from States, United Nations agencies and other relevant stakeholders and to present the report to the Human Rights Council before its twenty-fifth session;

19. *Decides* to continue consideration of this issue in 2014 in accordance with its programme of work.

31st meeting
5 July 2012

[Adopted without a vote.]

20/6
Elimination of discrimination against women

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against

[82] A/HRC/19/43.

Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, the Beijing Declaration and Platform for Action, adopted on 15 September 1995 by the Fourth World Conference on Women, and their review conferences in 2005 and 2010, the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the outcome document of the Durban Review Conference, adopted on 24 April 2009,

Recalling also Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, and Human Rights Council resolutions 6/30 of 14 December 2007, on integrating the human rights of women throughout the United Nations system, and 12/17 of 2 October 2009 and 15/23 of 1 October 2010, on the elimination of discrimination against women,

Bearing in mind that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, prohibit discrimination on the basis of gender and include guarantees to ensure the enjoyment by women and men, and girls and boys, of their civil, political, economic, social and cultural rights on a basis of equality,

Deeply concerned by the fact that women everywhere are still subject to significant disadvantage as the result of discriminatory laws and practices and that de jure and de facto equality has not been achieved in any country in the world,

Recognizing that women face multiple forms of discrimination,

Recognizing also that the full and equal participation of women in all spheres of life is essential for the full and complete economic, political and social development of a country,

Mindful of the fact that the elimination of discrimination against women requires the consideration of women's specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women's equal access to full participation in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

Mindful that women and girls account for more than half of the world population, that equal rights and opportunities are key in achieving sustainable economic, political and social development and lasting solutions to global challenges, and that gender equality benefits women, men, girls and boys in society as a whole,

Bearing in mind the challenges still faced by all countries throughout the world to overcome inequality between men and women,

Reiterating the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

Acknowledging the work undertaken by the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the special procedures mandate holders of the Human Rights Council on violence against women, its causes and consequences, on trafficking in persons, especially women and children, and on contemporary forms of slavery, and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and in practice throughout the world, and

noting the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue,

Considering that periods of political transition provide a unique opportunity to advance women's equal participation and representation in economic, political and social spheres,

1. *Acknowledges* the initial work undertaken by the Working Group on the issue of discrimination against women in law and in practice, and takes note of its first report;[83]

2. *Recognizes* the constructive approach of the Working Group and calls upon it, in the discharge of its mandate, to maintain such an approach and dialogue with States to address the elimination of discrimination against women in law and in practice in all spheres from the perspective of States' obligations under international human rights law, taking into account the good practices that have been transformative in different contexts and in the light of the different realities that women face;

3. *Welcomes* the thematic priorities identified by the Working Group, namely, political and public life, economic and social life, family and cultural life, and health and safety;

4. *Requests* the Working Group to give special attention, in the discharge of its mandate, to the importance of the right to education as key to the empowerment of women and girls in all spheres as well as for ensuring equality and non-discrimination;

5. *Also requests* the Working Group, in the discharge of its mandate, to dedicate specific attention to good practices that have contributed to mobilizing society as a whole, including men and boys, in the elimination of discrimination against women;

6. *Further requests* the Working Group, in the discharge of its mandate, to offer support to States' initiatives to address multiple forms of discrimination against women when implementing their obligations as State parties to relevant international human rights treaties with regard to civil, cultural, economic, political and social rights, and related commitments where applicable;

7. *Affirms* that supporting the empowerment of women in all spheres is necessary to bring about equality;

8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, and stresses the need to promote equal pay for equal work or work of equal value, to promote the recognition of the value of women's unremunerated work, as well as to develop and promote policies that facilitate the reconciliation of employment and family responsibilities;

9. *Calls upon* States to ensure full representation and full and equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls, and a critical factor in the eradication of poverty;

10. *Calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

[83] A/HRC/20/28.

11. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate;

12. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.

31st meeting
5 July 2012

[Adopted without a vote.]

20/7
The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming Human Rights Council resolution 8/4 of 18 June 2008 and all other Council resolutions on the right to education, the most recent of which is resolution 17/3 of 16 June 2011, and recalling the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and other relevant international instruments,

Bearing in mind General Assembly resolution 64/290 of 9 July 2010 on the right to education in emergency situations,

Welcoming the adoption of the United Nations Declaration on Human Rights Education and Training by the General Assembly in its resolution 66/137 of 19 December 2011,

Deeply concerned that, according to the United Nations Educational, Scientific and Cultural Organization, although there has been progress in many areas, the world is not on track to achieve the Education for All targets set for 2015 and that most of the goals will be missed by a wide margin, and by the particular challenges faced in that regard by countries affected by armed conflicts,

Mindful of the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals, and noting in this regard the commitments relating to education contained in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,[84] including to ensure quality education and progression through the school system,

Bearing in mind that the lack of enjoyment of the human right to safe drinking water and sanitation, among others, can also have a serious negative impact on the enjoyment of the right to education,

[84] General Assembly resolution 65/1.

Noting the thematic report entitled "Tackling violence in schools: a global perspectives – bridging the gap between standards and practice" prepared by the Special Representative of the Secretary-General on Violence against Children,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions 8/4, 11/6 of 17 June 2009, 15/4 of 29 September 2010 and 17/3 with a view to ensuring the full realization of the right to education for all;

2. *Notes with appreciation*:

(a) The report of the Special Rapporteur on the right to education on normative action for quality education;[85]

(b) The work of the United Nations human rights treaty bodies and special procedures in the promotion of the right to education;

(c) The work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(d) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant bodies towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All agenda;

(e) International initiatives to promote quality in education, including at the regional level;

3. *Calls upon* all relevant stakeholders urgently to increase their efforts so that the goals of the Education for All agenda can be achieved by 2015;

4. *Urges* all States to give full effect to the right to education by, inter alia, promoting quality education by such means as:

(a) The development and strengthening of domestic legal and policy frameworks in that regard for the entire education system;

(b) The implementation of quality assessments with a view to promoting equitable education systems, learning opportunities and the empowerment of women, giving particular consideration to the educational needs of segments of the population that are economically and socially marginalized;

(c) The provision of a healthy, hygienic and safe learning environment, with adequate water and sanitation facilities, including sex-segregated toilets, and healthy classrooms;

(d) The improvement of teachers' qualifications and working conditions;

(e) The allocation of adequate financial resources to quality education, including through national and international resource mobilization and international cooperation;

(f) Support for research and encouragement of further debate on quality education;

(g) The putting in place of regular mechanisms for dialogue that will enable individuals, civil society organizations and all relevant stakeholders to contribute, where appropriate, to the planning, monitoring and evaluation of the realization of the right to education;

[85] A/HRC/20/21.

5. *Urges* States and other relevant stakeholders to pay enhanced attention to education in emergency situations by, inter alia, enhancing the protection of schools from attacks and strengthening safety and disaster risk reduction;

6. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies and programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

7. *Stresses the importance* of the contribution of national human rights institutions and non-governmental and civil society organizations to the realization of the right to education, including through cooperation with the Special Rapporteur on the right to education;

8. *Decides* to remain seized of the matter.

31st meeting
5 July 2012

[Adopted without a vote.]

20/8
The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 12/16 of 2 October 2009, and also recalling General Assembly resolution 66/184 of 22 December 2011,

Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communications technologies,

Taking note of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth session,[86] and to the General Assembly at its sixty-sixth session,[87] on freedom of expression on the Internet,

1. *Affirms* that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and

[86] A/HRC/17/27.
[87] A/66/290.

through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms;

3. *Calls upon* all States to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries;

4. *Encourages* the special procedures to take these issues into account within their existing mandates, as applicable;

5. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and in other technologies, as well as of how the Internet can be an important tool for development and for exercising human rights, in accordance with its programme of work.

31st meeting
5 July 2012

[Adopted without a vote.]

20/9
Human rights of internally displaced persons

The Human Rights Council,

Recalling all previous resolutions on internally displaced persons adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolution 66/165 of 19 December 2011 and Council resolution 14/6 of 17 June 2010,

Recalling also General Assembly resolution 46/182 of 19 December 1991 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations, and the Guiding Principles on Internal Displacement annexed thereto,

Recalling further General Assembly resolution 64/290 of 9 July 2010 and Human Rights Council resolution 15/4 of 29 September 2010, in which the Assembly and the Council emphasized the right to education of internally displaced persons and in emergency situations, such as armed conflicts or natural disasters,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Welcoming the twentieth anniversary of the mandate of the Special Rapporteur on the human rights of internally displaced persons and the considerable results achieved since its creation,

Welcoming also the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments, and the relevant offices and agencies of the United Nations, as well as with other international and regional organizations, and encouraging the further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change that are expected to exacerbate the impact of natural hazards, and climate-related events,

Calling for national-led disaster risk reduction efforts and the building of resilience to disasters, to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication,

Recognizing that internally displaced persons are increasingly situated outside camps, including in urban settings, with unique risks and vulnerabilities that pose specific challenges for the full enjoyment of their human rights, and recognizing further the need to adapt operations with regard to their needs and those of their host communities,

Expressing concern at the increasing number of persons who become disabled during situations of internal displacement in the context of armed conflict or natural disasters, and recognizing the need to provide adequate services and support for their reintegration,

1. *Recognizes* the Guiding Principles on Internal Displacement annexed to General Assembly resolution 46/182 as an important international framework for the protection of internally displaced persons, and encourages Member States and humanitarian agencies to continue to work together in endeavours to provide a more predictable and targeted response to the needs of internally displaced persons, and, in this regard, calls for international support, upon request, for the capacity-building efforts of States;

2. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement, the needs and human rights of those displaced, measures of prevention, including early warning, and ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

3. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, in particular developing countries, in their national efforts and policies relating to assistance, protection and rehabilitation for internally displaced persons;

4. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community, relevant United Nations agencies and regional and national actors to provide financial and technical support and cooperation to Governments, upon request, in this regard;

5. *Welcomes* the adoption and ongoing process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons in Africa, and encourages other regional mechanisms to consider the development of similar regional normative frameworks for the protection of internally displaced persons;

6. *Takes note* with appreciation of the adoption by the Policy Committee of the Secretary-General of decision No. 2011/10 and its preliminary Framework on Ending Displacement in the Aftermath of Conflict, which establishes priorities and responsibilities to support the delivery of durable solutions for internally displaced persons, and urges relevant United Nations agencies, in cooperation with other stakeholders and in consultation with national authorities and partners, to implement the Framework as a matter of priority;

7. *Recognizes* that the inter-agency cluster system plays a central role in the international community's efforts to protect and assist internally displaced persons, and encourages Governments to work with the cluster system to advance the human rights of internally displaced persons;

8. *Emphasizes the importance* of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

9. *Also emphasizes the importance* of taking the human rights and specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and further emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration, relocation and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

10. *Takes note* with appreciation of the report of the Special Rapporteur on the human rights of internally displaced persons submitted to the Human Rights Council at its nineteenth session[88] and the recommendations contained therein on a more systematized and equitable response to internally displaced persons outside camps, as well as the concerned host communities;

11. *Expresses concern* at the persistent problems of the large numbers of internally displaced persons worldwide, in particular the risk of extreme poverty and socioeconomic exclusion, their limited access to humanitarian assistance, vulnerability to human rights violations and difficulties resulting from their specific situation, such as lack

[88] A/HRC/19/54.

of food, medication or shelter, and issues pertinent during their reintegration, including, in appropriate cases, the need for the restitution of or compensation for property;

12. *Also expresses concern* at the problem of protracted internal displacement, and recognizes the need to find durable solutions thereto;

13. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant United Nations resolutions;

14. *Condemns* the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, with women and girls disproportionately victimized, and calls upon authorities and the international community to work together for effective prevention, security, protection of human rights, access to justice and victim assistance, as well as in addressing the causes of violence against women and girls and in fighting impunity across the board;

15. *Calls upon* States, in cooperation with international agencies and other stakeholders, to ensure and support the full and meaningful participation of internally displaced women at all levels of decision-making processes and activities that have a direct impact on their lives, in all aspects relating to internal displacement, regarding promotion and protection of human rights, prevention of human rights violations, implementation of durable solutions, peace processes, peacebuilding, post-conflict reconstruction and development;

16. *Expresses particular concern* that many internally displaced children lack access to education in the immediate aftermath of their displacement and also years afterwards owing to attacks against schools, damaged or destroyed school buildings, insecurity, loss of documentation, language barriers and discrimination;

17. *Recommends* that States ensure through all necessary measures that internally displaced children, including those in conflict and post-conflict phases, have access to education on a par with the rest of the population and without discrimination of any kind;

18. *Urges* States to take into account the specific needs of persons with disabilities when promoting and ensuring the protection of the human rights of internally displaced persons, in particular by ensuring that persons with disabilities have equal access to assistance, protection and rehabilitation services;

19. *Notes with concern* the particular human rights challenges for large numbers of internally displaced persons living increasingly outside camps and in urban settings, and the need to better support host communities assisting them in the many countries where internal displacement persists, and recommends effective and appropriate approaches for the specific protection of the human rights and implementation of durable solutions for internally displaced persons that fully take into account their needs and human rights, as well as the needs of host families and communities;

20. *Reaffirms*, in accordance with the Guiding Principles on Internal Displacement annexed to General Assembly resolution 46/182, that States have the primary responsibility to protect the human rights of, and to promote durable solutions for, internally displaced persons within their jurisdiction, including internally displaced persons living outside camps;

21. *Welcomes* ongoing efforts to identify challenges and good practices with a view to strengthening the equitable, effective and systematized response to internally displaced persons living outside camps, and strongly encourages States, national and international humanitarian and development actors, the international community and relevant civil society to undertake further stocktaking processes on current practices relating to the promotion and protection of the human rights and the implementation of durable solutions for internally displaced persons, and to allocate additional resources in this regard;

22. *Stresses the importance* of the participation of internally displaced persons living outside camps and their host families and communities in establishing predictable and systematized support systems that take fully into account their human rights, needs and vulnerabilities;

23. *Supports* the promotion of a better understanding of the role and responsibilities of, and support for and obstacles faced by municipal and provincial authorities in the protection of the human rights of internally displaced persons living outside camps, with a view to develop effective and appropriate approaches that take fully into account their needs and human rights, facilitate durable solutions and include internally displaced persons outside camps in local development plans;

24. *Emphasizes the importance* of the effective collection of data, disaggregated by age, sex, diversity and location, on internally displaced persons for the protection of their human rights, the implementation of durable solutions and the assessment of their specific needs and vulnerabilities, and encourages Governments to use, on a voluntary basis, the services of the Inter-Agency Joint Internally Displaced Person Profiling Service, which has been set up to offer technical support in this regard;

25. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by the different members of communities of internally displaced persons, in particular the non-discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

26. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, and invites the Special Rapporteur on the human rights of internally displaced persons, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement with a view to support Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

27. *Invites* the Special Rapporteur on the human rights of internally displaced persons, in accordance with his mandate, to continue to analyse the particular human rights challenges faced by internally displaced persons outside camps and in urban settings, while taking into account the situation of the host communities concerned, to identify challenges and good practices and, in close consultation with Member States, to make proposals with a view to developing a more systematic approach to the protection of their human rights and the promotion of durable solutions in the context of his participation in the Inter-Agency Standing Committee and in his regular reporting to the General Assembly and the Human Rights Council.

31st meeting
5 July 2012

[Adopted without a vote.]

20/10
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, Human Rights Council resolutions 7/4 of 27 March 2008, 11/5 of 17 June 2009, 14/4 of 17 June 2010, 17/7 of 16 June 2011 and 19/38 of 23 March 2012 and Council decision 12/119 of 2 October 2009,

Reaffirming also Human Rights Council resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help to alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people,

Stressing the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries through various national and international measures designed to make their debt sustainable in the long term,

Noting with concern that the total external debt of emerging and developing economies rose from 2,678.4 billion United States dollars in 2003 to 5,414.6 billion dollars in 2010 and is projected to rise to 6,446.3 billion dollars in 2012, and that debt service payments rose from 795.2 billion dollars in 2003 to 1,743.7 billion dollars in 2010, and were projected to rise to 2,010.8 billion and 2,265.5 billion in 2011 and 2012 respectively,

Mindful of the role, mandate and activities of other United Nations agencies, funds and programmes in dealing with the issues of foreign debt and international financial obligations,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely

constrained their capacity to promote social development and to provide basic services to create the conditions for the realization of economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the submission of the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[89]

2. *Also welcomes* the work and contributions of the Independent Expert and endorses the guiding principles on foreign debt and human rights, as annexed to his report;

3. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, as well as the private sector, to take into consideration the guiding principles when designing policies and programmes;

4. *Requests* the Independent Expert to develop a commentary to the guiding principles by inviting comments from States, international financial institutions, regional economic commissions, civil society organizations, the private sector and academia;

5. *Welcomes* the holding of the most recent expert meetings, in November 2011 and February 2012, to review a new draft of the guiding principles prepared by the Independent Expert, and the active participation and contributions of several stakeholders, including States, international financial institutions, regional economic commissions, civil society organizations and academia;

6. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

7. *Recognizes* that structural adjustment reform programmes and policy conditionalities limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

8. *Reaffirms* the fact that responses to the global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

9. *Expresses its concern* that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

10. *Reiterates its conviction* that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices

[89] A/HRC/20/23.

for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

11. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in those countries, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

12. *Affirms* that, from a human rights perspective, the settlement of excessive vulture funds has a direct negative effect on the capacity of Governments to fulfil their human rights obligations, especially with regard to economic, social and cultural rights;

13. *Also affirms* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, and calls upon States to take measures to combat those funds;

14. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

15. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

16. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

17. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

18. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

19. *Stresses the need* for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new

loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

20. *Stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

21. *Also stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

22. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

23. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or poverty reduction strategy papers;

24. *Reaffirms* the fact that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

25. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS so that more financial resources may be released and used for health care, research and treatment of the population in the affected countries;

26. *Reiterates its view* that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

27. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

28. *Requests* the Independent Expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

29. *Encourages* the Independent Expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Human Rights Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work;

30. *Requests* the Independent Expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

31. *Requests* the Secretary-General to provide the Independent Expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

32. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the Independent Expert in the discharge of his mandate;

33. *Requests* the Independent Expert to submit an analytical report on the implementation of the present resolution and on the process of developing the commentary to the guiding principles on foreign debt and human rights to the Human Rights Council in 2013, in accordance with its annual programme of work, and to submit a progress report thereon to the General Assembly at its sixty-seventh session;

34. *Decides* to continue the consideration of this matter at its twenty-third session under the same agenda item.

31st meeting
5 July 2012

[Adopted by a recorded vote of 31 to 11, with 5 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America.

Abstaining:

Chile, Costa Rica, Mexico, Norway, Peru]

20/11
Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political

Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling also all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of 7 December 2009 and 64/174 of 18 December 2009, and Council resolutions 10/23 of 26 March 2009, 14/9 of 18 June 2010, 17/15 of 17 June 2011 and 19/6 of 22 March 2012, in which the Council extended, for a period of three years, the mandate of the current mandate holder as Special Rapporteur in the field of cultural rights,

Taking note of the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 4 November 1966 and 2 November 2001 respectively,

Taking note also of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

Noting the increasing number of parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005, and which entered into force on 18 March 2007,

Recalling the holding of the seminar on the theme "Implementing cultural rights: nature, issues at stake and challenges" in Geneva on 1 and 2 February 2010,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country, the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Affirming the necessity of an international enabling environment for the conservation, development and diffusion of science, while preserving, promoting and giving primacy to public interest,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the State, regardless of its political, economic and cultural system, to promote and protect all human rights and fundamental freedoms;

4. *Recalls* that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights and that these rights should be guaranteed for all, without discrimination;

6. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural heritage and cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the Special Rapporteur in the field of cultural rights,[90] in which she focused on the right to enjoy the benefits of scientific progress and its applications;

10. *Also takes note* of the work conducted by the Special Rapporteur, including the questionnaire on the right to enjoy the benefits of scientific progress and its applications, as well as of the holding, in Geneva, of an experts' meeting on the issue, on 5 and 6 December 2011, and of a public consultation, on 7 December 2011;

11. *Recognizes* that further work and discussions on the issue are needed and, in that regard, requests the Office of the United Nations High Commissioner for Human Rights to convene, in 2013, a seminar of two working days on the right to enjoy the benefits of scientific progress and its applications in order to further clarify the content and scope of this right and its relationship with other human rights and fundamental freedoms, including the right of everyone to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author;

12. *Requests* the Office of the High Commissioner:

(a) To invite States, the Special Rapporteur in the field of cultural rights and other relevant stakeholders, including academic experts and civil society organizations, as well as relevant United Nations agencies, funds and programmes and other international organizations, to participate actively in the above-mentioned seminar;

(b) To submit to the Human Rights Council, at its twenty-sixth session, a report, in the form of a summary, on the seminar;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned seminar;

14. *Reiterates* its call upon all Governments to cooperate with and assist the Special Rapporteur in the discharge of her mandate, to provide her with all the necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their countries in order to enable her to fulfil her duties effectively;

15. *Requests* the High Commissioner to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

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[90] A/HRC/20/26.

16. *Requests* the Special Rapporteur to present her next report to the Human Rights Council at its twenty-third session, and decides to consider the report under the same agenda item in accordance with its programme of work.

31st meeting
5 July 2012

[Adopted without a vote.]

20/12
Accelerating efforts to eliminate all forms of violence against women: remedies for women who have been subjected to violence

The Human Rights Council,

Reaffirming and building upon Human Rights Council resolution 17/11 of 17 June 2011,

Reaffirming its resolutions and those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling the relevant resolutions of the Commission on the Status of Women, the General Assembly and the Security Council,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Cairo Programme of Action,

Guided by the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in its resolution 60/147 of 16 December 2005,

Recalling also the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court and the establishment of a trust fund for victims of crimes within the jurisdiction of the Court and the families of such victims, and noting the mandate of the Court to permit the participation of victims at all stages of the proceedings determined to be appropriate by the Court and to protect their safety, physical and psychological well-being, dignity and privacy,[91]

Welcoming the identification of violence against women as a priority for United Nations programmes, funds and specialized agencies, especially the United Nations Entity for Gender Equality and the Empowerment of Women,

Noting that remedies for women and girls who have been subjected to violence may include a range of judicial and non-judicial measures that can result in reparations, such as restitution, compensation, rehabilitation and guarantees of non-repetition, and measures of satisfaction, such as public apologies, commemorations and judicial decisions restoring dignity and reputation,

Underscoring that women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered, and information about their rights in seeking redress through such mechanisms,

[91] Rome Statute of the International Criminal Court, art. 68, paras. 3 and 1.

Recognizing that sexual violence, particularly in conflict and post-conflict situations, affects victims, families, communities and societies, and stressing that effective remedies in those situations should include access to health care, psychosocial support, legal assistance and socioeconomic reintegration services for victims of sexual violence,

Convinced that effective remedies for women and girls should aim to have a transformative effect by addressing the root causes of violence against them,

Convinced also that men and boys have an important role to play in addressing the root causes of violence against women and in facilitating the access of women and girls to just and effective remedies for the harm they have suffered,

Acknowledging that alternatives to judicial remedies can, particularly in cases of mass violations, allow victims, victims' advocacy groups and civil society to be involved in the process in proactive ways, thereby conveying a sense of agency that can have a reparative effect and promote greater access to remedies by victims,

Stressing that education can play a key role in efforts to guarantee non-repetition of violence against women and girls by promoting changes in attitudes and behaviour,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling;

2. *Underscores* that States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States to take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;

3. *Urges* States to encourage the removal of all barriers to women's access to justice and to ensure access to effective legal assistance for all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law, and also ensure that victims have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation, where necessary;

4. *Also urges* States to ensure that remedies for women and girls subjected to violence, whether judicial, administrative, policy or other measures, are available, accessible, acceptable, age- and gender-sensitive and adequately address victims' needs, including by protecting confidentiality, preventing stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress, ensuring reasonable evidentiary standards, providing necessary translation services and minimizing the complexity of procedures;

5. *Further urges* States to place a high priority on removing gender bias from the administration of justice and enhancing the capacity of law enforcement officials to deal appropriately with violence against women, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

6. *Stresses the need* to pay particular attention to marginalized groups of women and girls and the importance for States to ensure that remedies take into account the differential impact of violence on women due to multiple, intersecting and aggravated forms of discrimination;

7. *Urges* States to adopt measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence, at all stages of the justice system;

8. *Emphasizes* that the involvement of victims, victims' advocacy groups, women's organizations and other relevant stakeholders in the design, implementation, monitoring and evaluation of remedies enhances their effectiveness;

9. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her recent thematic report on gender-related killings of women;[92]

10. *Invites* States and all other relevant stakeholders, including regional organizations and mechanisms, treaty bodies, United Nations entities, special procedures, civil society organizations, academic institutions and other relevant stakeholders, to contribute to the mandate holder's study on State responsibility for eliminating violence against women by submitting relevant information, including on providing remedies for women who have been subjected to violence, as well as on challenges identified in that regard;

11. *Welcomes* the panel discussion on the theme of remedies for women subjected to violence held as part of the 2012 annual discussion on women's rights, and requests the Office of the United Nations High Commissioner for Human Rights to prepare a summary report on the proceedings, including conclusions and recommendations made by participants, to be submitted to the Human Rights Council at its twenty-first session;

12. *Requests* the Office of the High Commissioner to prepare, in consultation with relevant stakeholders, and to present to the Human Rights Council, at its twenty-third session, recommendations on how to create and/or strengthen linkages and synergies between the mechanisms of the Council, and also with other relevant intergovernmental processes on the issue of violence against women and girls;

13. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

31st meeting
5 July 2012

[Adopted without a vote.]

[92] A/HRC/20/16.

20/13
Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling Human Rights Council resolution 17/24 of 17 June 2011, and deploring the lack of cooperation by the Government of Belarus with the requests of the Council made in that resolution, including the denial of access to the Office of the United Nations High Commissioner for Human Rights and several thematic special procedures mandate holders to the country,

Welcoming the oral and comprehensive written[93] reports of the High Commissioner on the situation of human rights in Belarus, presented to the Council at its eighteenth and twentieth sessions respectively, and regretting the lack of implementation by the Government of Belarus of the preliminary recommendations made in the oral report,

1. *Expresses grave concern* at the findings of the United Nations High Commissioner for Human Rights in her report1 that suggest the existence of a pattern of serious violations of human rights since 19 December 2010, that is of a systemic nature, and includes intensified restrictions on the fundamental freedoms of association, assembly, opinion and expression, including with regard to the media, as well as allegations of torture and ill-treatment in custody, impunity of perpetrators of human rights violations and abuses, harassment of civil society organizations and human rights defenders, violations of due process and fair trial safeguards, and pressure on defence lawyers;

2. *Urges* the Government of Belarus to immediately and unconditionally release and rehabilitate all political prisoners, to address, through comprehensive, transparent and credible investigations, reports of torture and ill-treatment, to implement all other recommendations contained in the report of the High Commissioner, and to put an immediate end to arbitrary detention of human rights defenders, the increased use of short-term arbitrary detention and arbitrary travel bans aimed at intimidating representatives of the political opposition and the media, as well as human rights defenders and civil society;

3. *Decides* to appoint a special rapporteur to monitor the situation of human rights in Belarus and to make recommendations for its improvement; to help to implement the recommendations contained in the report of the High Commissioner; to assist the Government of Belarus in fulfilling its human rights obligations; to offer support and advice to civil society; to seek, receive, examine and act on information from all relevant stakeholders pertaining to the situation of human rights in Belarus; and to report annually to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

4. *Calls upon* the Government of Belarus to cooperate fully with the Special Rapporteur and to provide him/her access to visit the country, as well as the information necessary to facilitate the fulfilment of the mandate;

[93] A/HRC/20/8.

5. *Requests* the Office of the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of the mandate.

31st meeting
5 July 2012

[Adopted by a recorded vote of 22 to 5, with 20 abstentions. The voting was as follows:

In favour:

Austria, Belgium, Benin, Botswana, Burkina Faso, Chile, Congo, Costa Rica, Czech Republic, Hungary, Italy, Jordan, Maldives, Mauritius, Norway, Peru, Philippines, Poland, Romania, Spain, Switzerland, United States of America

Against:

China, Cuba, Ecuador, India, Russian Federation

Abstaining:

Angola, Bangladesh, Cameroon, Djibouti, Guatemala, Indonesia, Kuwait, Kyrgyzstan, Libya, Malaysia, Mauritania, Mexico, Nigeria, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay]

20/14
National institutions for the promotion and protection of human rights

See chapter I.

20/15
Promotion of the right to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolutions 14/3 of 17 June 2010 and 17/16 of 17 June 2011, in which the Council requested the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to prepare a draft declaration on the right of peoples to peace,

Recalling also General Assembly resolution 39/11 of 12 November 1984 entitled "Declaration of the Right of Peoples to Peace" and the United Nations Millennium Declaration,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Welcoming the important work being carried out by civil society organizations for the promotion of the right to peace and their contribution to the development of this issue,

Taking note of the draft declaration prepared by the Advisory Committee contained in its study[94] submitted to the Human Rights Council,

Bearing in mind the progressive development of this issue,

[94] A/HRC/20/31.

1. *Decides* to establish an open-ended intergovernmental working group with the mandate of progressively negotiating a draft United Nations declaration on the right to peace, on the basis of the draft submitted by the Advisory Committee, and without prejudging relevant past, present and future views and proposals;

2. *Also decides* that the working group shall hold its first session for four working days in 2013, before the twenty-second session of the Human Rights Council;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the assistance necessary for it to fulfil its mandate;

4. *Requests* the President of the Human Rights Council to invite the Chairperson of the Advisory Committee drafting group on the draft declaration to participate in the first session of the working group;

5. *Invites* States, civil society and all relevant stakeholders to contribute actively and constructively to the work of the working group;

6. *Requests* the working group to submit a report on progress made to the Human Rights Council for consideration at its twenty-third session.

32nd meeting
5 July 2012

[Adopted by a recorded vote of 34 to 1, with 12 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, India, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland]

20/16
Arbitrary detention

The Human Rights Council,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9 to 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Recalling also Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 April 1997, as well as Human Rights Council resolutions 6/4 of 28 September 2007, 10/9 of 26 March 2009, and 15/18 of 30 September 2010, in the latter of which the Council extended the mandate of the Working Group on Arbitrary Detention for a further period of three years,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention;

2. *Takes note with interest* of the two latest reports of the Working Group,[95] including the recommendations contained therein;

3. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken;

4. *Welcomes* the commemorative event organized to celebrate the twentieth anniversary of the Working Group on Arbitrary Detention;

5. *Also welcomes* the creation of a publicly available database containing the Working Group's opinions on individual cases adopted since the establishment of the Group;

6. *Encourages* all States:

(a) To give due consideration to the recommendations of the Working Group;

(b) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and to be entitled to trial within a reasonable time or to release;

(d) To respect and promote the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(e) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detention in relation to public security legislation;

(f) To ensure that anyone who is arrested or detained on a criminal charge has adequate time and facilities for the preparation of his or her defence, including the opportunity to engage and communicate with counsel;

(g) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

7. *Also encourages* all States to cooperate with the Working Group and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

8. *Expresses its profound thanks* to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

9. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

10. *Requests* the Working Group to prepare draft basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty, as stated in paragraph 6 (d) above, with the aim of assisting Member States in fulfilling their

[95] A/HRC/16/47, A/HRC/19/57.

obligation to avoid arbitrary deprivation of liberty in compliance with international human rights law;

11. *Also requests* the Working Group, in preparing the above-mentioned draft basic principles and guidelines:

(a) To seek the views of States, relevant United nations agencies, intergovernmental organizations, United Nations treaty bodies and, in particular, the Human Rights Committee, other special procedures, national human rights institutions, non-governmental organizations and other relevant stakeholders;

(b) To submit a specific report to the Human Rights Council on national, regional and international laws, regulations and practices on the right as stated in paragraph 6 (d) above;

(c) To hold subsequently a consultation with stakeholders in relation to the preparation of the first draft basic principles and guidelines;

(d) To present the draft basic principles and guidelines to the Human Rights Council before the end of 2015, in accordance with its annual programme of work;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all assistance and support necessary to the Working Group for the preparation of the above-mentioned draft basic principles and guidelines;

13. *Requests* the Secretary-General to provide all assistance necessary to the Working Group, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

14. *Decides* to continue consideration of the question of arbitrary detention in conformity with its programme of work.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/17
Human rights situation in Mali

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Reaffirming that all States are under an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Human Rights Covenants and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned at the situation brought about by the occupation of the northern part of Mali by armed groups,

Noting with concern the human rights situation in northern Mali, the grave humanitarian situation and its consequences for the countries of the Sahel,

1. *Welcomes* the communiqués on the situation in Mali dated 6 April 2012 from the African Union, dated 23 March 2012, 3 April 2012 and 12 June 2012 from the African Union Peace and Security Council, and dated 6 June 2012 from the Commission of the Economic Community of West African States, not least as regards their condemnation of the coup d'état of 22 March 2012 and the unilateral declaration of independence;

2. *Condemns* the human rights violations and acts of violence committed in northern Mali, in particular by the rebels, terrorist groups and other organized transnational crime networks, including the violence perpetrated against women and children, the killings, hostage-takings, pillaging, theft and destruction of religious and cultural sites, as well as the recruitment of child soldiers, and calls for the perpetrators of these acts to be brought to justice;

3. *Calls for* an immediate halt to these human rights violations and acts of violence, and for strict respect for all human rights and fundamental freedoms;

4. *Supports* current efforts by the African Union and the Economic Community of West African States to settle the crisis in Mali and bring about a definitive return to constitutional order, peace and security in Mali;

5. *Emphasizes* the need to facilitate access for the population to humanitarian aid, expresses appreciation for the humanitarian aid already supplied to needy population groups and urges the international community, in conjunction with the Malian transitional authorities and the neighbouring countries concerned, to continue to deliver appropriate humanitarian assistance to refugees and displaced persons and respond to the challenges that the humanitarian crisis in the Sahel poses;

6. *Invites* the United Nations High Commissioner for Human Rights to monitor the human rights situation in the north of Mali and to report thereon to the Council at its twenty-first session;

7. *Decides* to remain seized of this matter.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/18
Nelson Mandela International Day panel

The Human Rights Council,

Recalling General Assembly resolution 64/13 of 10 November 2009 and Human Rights Council decision 15/117 of 1 October 2010,

Recognizing Nelson Mandela's values and his dedication to the service of humanity, as a humanitarian, in the fields of conflict resolution, race relations, the promotion and protection of human rights, reconciliation, gender equality and the rights of children and other vulnerable groups, as well as the upliftment of poor and underdeveloped communities,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of

law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

1. *Decides* to hold, at its twenty-first session, a high-level panel discussion on how the values of reconciliation, peace, freedom and racial equality can contribute to the promotion and protection of human rights;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to take the measures necessary to observe Nelson Mandela International Day;

3. *Encourages* all States Members of the United Nations and relevant stakeholders to engage fully in the panel discussion with a view to guarantee an appropriate balance and diversity of views on the issue;

4. *Requests* the Office of the High Commissioner to compile a summary of the outcome of the discussion and to present it to the Human Rights Council at its twenty-third session;

5. *Decides* to remain seized of this issue.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/19
Technical assistance to Côte d'Ivoire in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1, on institution-building, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolutions S-14/1 of 23 December 2010 and 16/25 of 25 March 2011, concerning the situation of human rights in Côte d'Ivoire, and 17/21 of 17 June 2011, establishing the mandate of the independent expert on the situation of human rights in Côte d'Ivoire,

Reaffirming that all States have a responsibility to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and other relevant human rights instruments,

Welcoming the holding of legislative elections in Côte d'Ivoire on 11 December 2011, which show a commitment to the reconciliation process under way,

Noting that, while the situation of human rights in Côte d'Ivoire has substantially improved, it remains relatively fragile in view of the many challenges, particularly as regards the restoration of peace, national reconciliation, security sector reform and economic recovery,

Gravely concerned by the attacks on personnel of the United Nations Operation in Côte d'Ivoire in the exercise of their mandate to protect civilians,

1. *Strongly condemns* the attacks on the civilian population and personnel of the United Nations Operation in Côte d'Ivoire;

2. *Condemns and deplores* in particular the killing of seven United Nations peacekeepers on 8 June 2012 in the town of Para while they were assisting the civilian population under attack by unidentified armed elements;

3. *Welcomes* the cooperation of the Government of Côte d'Ivoire with the United Nations human rights machinery and its commitment to promote and protect human rights, and encourages the continuation of efforts to end all human rights violations and help victims;

4. *Commends* the establishment on 13 July 2011 of a dialogue, truth and reconciliation commission in Côte d'Ivoire;

5. *Takes note* of the establishment on 20 July 2011 of a national commission of inquiry in Côte d'Ivoire to investigate the facts and circumstances surrounding the allegations of serious abuses and human rights violations in Côte d'Ivoire following the presidential election of 28 November 2010, which should address the causes of violence and ensure equity in the justice system for all Ivorians affected by the aforementioned human rights violations;

6. *Also takes note* of the report and recommendations that the Independent Expert on the situation of human rights in Côte d'Ivoire submitted to the Council at its nineteenth session;

7. *Welcomes* the commitments undertaken by the Government of Côte d'Ivoire at the nineteenth session of the Council to endorse the Independent Expert's recommendations, particularly those relating to rebuilding democracy, combating impunity through the justice system and strengthening inclusive political pluralism and cultural and religious pluralism;

8. *Encourages* the Government of Côte d'Ivoire to continue to ratify and implement international and regional human rights instruments, to comply with their reporting requirements and to promote human rights education;

9. *Notes with concern* the seriousness of the humanitarian situation on the ground, and calls on United Nations agencies and other relevant actors to continue to cooperate with the Government of Côte d'Ivoire to provide assistance to refugees and internally displaced persons, in conformity with the measures put in place by the Government, so as to encourage their safe and voluntary return to their homes;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Government of Côte d'Ivoire and to work with it to identify other areas of assistance that will help Côte d'Ivoire to meet its human rights obligations;

11. *Invites* the international community to continue to support the reconciliation process under way in Côte d'Ivoire, including through support for the dialogue, truth and reconciliation commission, and to identify the specific areas in which such assistance is necessary;

12. *Calls upon* the international community to support the national efforts made by Côte d'Ivoire and its institutions to improve the human rights situation in the country, and to respond to its requests for technical assistance in the humanitarian, educational, health, economic and social spheres;

13. *Calls upon* both the international community and the Government of Côte d'Ivoire to support the national human rights commission, through technical assistance and

capacity-building programmes, with a view to ensuring its independence and enabling it to contribute to the promotion and protection of the fundamental rights of the Ivorian people, in accordance with the Paris Principles;

14. *Decides* therefore to renew the mandate of the Independent Expert on the situation of human rights in Côte d'Ivoire for a period of one year, from the twentieth to the twenty-third session of the Human Rights Council;

15. *Requests* the Independent Expert to submit his report at the twenty-second session and his recommendations at the twenty-third session of the Human Rights Council;

16. *Decides* to remain seized of the matter.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/20
Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Expressing deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including violations of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

Expressing grave concern at the use of forced labour, including of conscripts and minors in the mining industry,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in its universal periodic review,

Recalling the Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and international human rights treaties to which States are party,

1. *Strongly condemns*:

(a) The continued widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion, and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors, religious leaders and practitioners in Eritrea;

(c) The forced conscription of citizens for indefinite periods of national service, which could amount to forced labour, the alleged coercion of minors into the military and the mining industry, as well as the intimidation and detention of family members of those suspected of evading national service in Eritrea;

(d) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(e) Any violation by the Government of Eritrea of its international human rights obligations in connection with the collection of taxes outside Eritrea from its nationals;

(f) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

2. *Calls upon* the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of torture and inhumane and degrading treatment and punishment;

(b) To account for and release all political prisoners, including the "G-11";

(c) To ensure free and fair access to an independent judicial system for those detained to improve prison conditions and to allow regular access to prisoners for relatives, legal advocates, medical care, and other competent and legally authorized authorities and institutions;

(d) To put an end to the policy of indefinite military service;

(e) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation;

(f) To respect everyone's right to freedom of expression and freedom of thought, conscience and religion or belief, and freedom of peaceful assembly and association;

(g) To promote and protect women's rights, including by taking measures to combat harmful practices, such as early marriage and female genital mutilation;

(h) To implement the recommendations accepted during its universal periodic review and to report on progress made;

(i) To end "guilt-by-association" policies that target family members of those who evade national service or seek to flee Eritrea;

(j) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights, in accordance with its international human rights obligations, by, inter alia, allowing access to a mission by the Office as requested by the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council and with all international and regional human rights mechanisms;

(k) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including journalists and Djiboutian combatants;

(l) To implement fully the Constitution of Eritrea adopted in 1997;

3. *Urges* Eritrea to make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

4. *Decides* to appoint a special rapporteur on the situation of human rights in Eritrea for a period of one year, who will submit a report to the Human Rights Council at its twenty-third session;

5. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit access to visit the country and to provide the information necessary for the fulfilment of his or her mandate;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil the mandate;

7. *Decides* to remain seized of the matter.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/21
Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Welcoming the statement of the President of the Security Council of 5 March 2012 and the press statement issued by the Security Council on 15 May 2012,

Acknowledging the efforts made by Somali stakeholders towards stability and reconciliation, including the protection of civilians and human rights, by way of laying the foundation for a constitutional order and a representative, inclusive and accountable system of governance,

Welcoming the efforts to ensure that women participate meaningfully in the political process and constitute at least 30 per cent of the members of the new parliament, and that the role of women is enshrined in the new Constitution,

Acknowledging the commitment and efforts made by the African Union and the Intergovernmental Authority on Development, and in particular those of the African Union Mission in Somalia, and acknowledging also the work of those States contributing to the Mission, including regional countries, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional

stakeholders to help Somalia to re-establish stability, peace and security on its national territory, as well as the rule of law,

Commending the African Union Mission in Somalia for its efforts, as requested by the Peace and Security Council, to minimize civilian casualties during its operations, including the endorsement in 2011 by the Mission of an indirect fire policy, encouraging the Mission to intensify its efforts in this regard, and encouraging also the African Union to support the Mission in efforts to increase awareness and training among its troops on human rights and international humanitarian law,

Welcoming the work of the Independent Expert on the situation of human rights in Somalia,

Acknowledging the constructive engagement of the Transitional Federal Government and Somali regional authorities in the universal periodic review, and encouraging continued efforts in this regard,

Welcoming the signing, on 11 May 2012, of the Memorandum of Understanding on technical assistance to the Transitional Federal Government in the field of human rights by the Office of United Nations High Commissioner for Human Rights and the United Nations Political Office for Somalia,

Acknowledging the need for long-term international support in the field of human rights in Somalia,

Deeply concerned about the continuing violations and abuses perpetrated against children, including sexual violence, in particular in areas of conflict or transition in Somalia by parties to the conflict, including their unlawful use and recruitment of child soldiers, and concerned about the continued death, injury and displacement of children as a result of armed conflict,

Noting that the political process in Somalia is at a critical phase, with only two months before the end of the transitional period, which will end on 20 August 2012, and looking towards the selection of a successor Government,

Emphasizing the determination of the international community, as expressed by the Security Council in its resolution 2036 (2012) of 22 February 2012, to take measures against both internal and external actors engaged in actions aimed at undermining the peace and reconciliation process in Somalia, including the Roadmap,

1. *Expresses its continued serious concern* at the human rights and humanitarian situation in Somalia;

2. *Strongly condemns* the grave and systematic human rights abuses perpetrated against the civilian population, including women, children, journalists and human rights defenders, in particular by Al-Shabaab and its affiliates, and calls for their immediate cessation;

3. *Expresses deep concern* at the continuing attacks against journalists in Somalia, and urges all parties to refrain from intentional violence against and harassment of journalists and to respect freedom of expression;

4. *Calls on* Somalia to fulfil its obligations under international human rights law;

5. *Emphasizes* that protecting, respecting and fulfilling human rights will be essential for the legitimacy of any future Somali political leadership;

6. *Calls on* the Transitional Federal Government and any successor Government to ensure the inclusion of human rights compliance mechanisms in instruments and

institutions at both national and subnational levels, and to recognize the importance of promoting and protecting human rights;

7. *Calls on* the Office of the United Nations High Commissioner for Human Rights to implement expeditiously the Memorandum of Understanding on technical assistance to the Transitional Federal Government in the field of human rights, and urges Member States to support the Office of the High Commissioner and the efforts of the Somali authorities at national and subnational levels in this regard;

8. *Urges* all parties to facilitate rapid and unhindered humanitarian access;

9. *Encourages* the Transitional Federal Government, the successor Government, the African Union and the African Union Mission in Somalia to intensify their efforts to facilitate rapid and unhindered humanitarian access, and also encourages the African Union to support the Mission in increasing awareness and training among its troops on human rights and on international humanitarian law, as well as in the protection of civilians, with the support of the international community, while noting that humanitarian access and security and the fulfilment of human rights are linked, and that assistance efforts should take these linkages into account;

10. *Urges* all parties to take immediate steps to protect children and to end abuses and violations committed against them and, in particular, calls for an immediate end to the unlawful recruitment and use of child soldiers; welcomes the efforts of the Transitional Federal Government towards finalizing a plan of action with the United Nations to end the use of child soldiers, and emphasizes the importance of signing and implementing that plan immediately; and calls for the Transitional Federal Government, relevant United Nations entities and others to strengthen child protection efforts, including by ensuring that such efforts are appropriately resourced;

11. *Expressing concern* at the abuses and violations perpetrated against women in Somalia, including sexual violence, and emphasizes the need for accountability for all such abuses and violations;

12. *Urges* all parties to take immediate steps to protect women and to end abuses and violations of their human rights, in particular sexual violence, and emphasizes the need for accountability for all such abuses and violations, and calls on the Transitional Federal Government, the successor Government and Somali regional authorities to take all the steps necessary to enable the full and equal participation of women in conflict prevention, management and resolution, as well as in peacebuilding and political processes;

13. *Commends* Member States, inter alia, Turkey, that have extended generous education assistance, and invites Member States to follow that example, including in the provision of training programmes for Somali journalists to boost their prominent role in the promotion of human rights through public awareness campaigns in accordance with Human Rights Council resolution 10/32 of 27 March 2009;

14. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Somalia for one year, from September 2012, with a view to maximize the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government, the successor Government and Somali subnational authorities to ensure respect for human rights and to strengthen the human rights regime, including in relation to the presidential and parliamentary speaker elections, as well as other key transitional tasks that must be completed, and to advise the Transitional Federal Government and the successor Government, as well as the United Nations and the international community, on the steps that need to be taken to ensure that the environment is conducive to the free exchange of ideas and views and the conduct of elections; and requests the Independent Expert to report to the Human Rights Council at its

twenty-fourth session on the situation of human rights and the implementation of technical cooperation in Somalia;

15. *Urges* the special procedures system and the thematic mandate holders to engage fully and coordinate with the Independent Expert;

16. *Requests* the Office of the High Commissioner to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

17. *Calls on* all parties to ensure that the progress made at the London Conference on Somalia, held on 23 February 2012, is consolidated through effective action, and to redouble their efforts to support the people of Somalia in their search for a better future for their country;

18. *Welcomes* the outcomes of the second Istanbul Conference on Somalia, held on 1 and 2 June 2012, which, in particular, reiterated that respect for human rights must be at the heart of the peace process, and called on the Somali authorities to follow through with their commitment to uphold human rights and the rule of law and to put an end to the culture of violence and impunity;

19. *Also welcomes* the outcome of the meeting of the International Contact Group on Somalia organized by the Government of Italy in Rome on 2 and 3 July 2012;

20. *Decides* to remain seized of the matter.

33rd meeting
6 July 2012

[Adopted without a vote.]

20/22
Situation of human rights in the Syrian Arab Republic

The Human Rights Council,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 16 February 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 23 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012, 19/22 of 23 March 2012 and S-19/1 of 1 June 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Calling for the urgent, comprehensive and immediate implementation of all elements of the six-point proposal of the Joint Special Envoy of the United Nations and the League of Arab States, Kofi Annan, as annexed to Security Council resolution 2042 (2012) without any preconditions, and recalling the ministerial meeting of the Action Group of 30 June 2012,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

Recalling the statements made by the United Nations High Commissioner for Human Rights before the Security Council that crimes against humanity are likely to have been committed in the Syrian Arab Republic, and noting her repeated encouragement to the Security Council to refer the situation to the International Criminal Court,

Noting the oral update provided by the commission of inquiry on the Syrian Arab Republic during the interactive dialogue held on 27 June 2012, including on its special

inquiry into the events in El-Houleh, and expressing deep concern at its report that the significant majority of victims were reported to be women and children who had been deliberately killed in their homes,

1. *Strongly condemns* the widespread, systematic and gross violations of human rights, acts of violence, ongoing atrocities and indiscriminate targeting of civilians by the Syrian authorities, and also condemns the human rights violations and crimes that members of the Government-controlled militia *Shabbiha* continue to commit against the Syrian people;

2. *Also strongly condemns* the continued extrajudicial killings, the killing and persecution of protestors, human rights defenders and journalists, cases of arbitrary detention, enforced disappearances, interference with access to medical treatment, torture and ill-treatment, and condemns in particular the targeted killing of children and the fact that children have been subject to arbitrary arrest, detention, torture and ill-treatment, including sexual violence;

3. *Demands* that the Syrian authorities release all persons arbitrarily detained and immediately allow the access of independent human rights monitors to all detention facilities, in particular those facilities where torture has been alleged to have occurred;

4. *Deplores* the alarming humanitarian and human rights consequences of the lack of implementation of the six-point plan of the Joint Special Envoy of the United Nations and the League of Arab States, and calls for the urgent, comprehensive and immediate implementation by all sides of all its elements without any preconditions and in the sequence prescribed by the plan;

5. *Reiterates its urgent call* upon the Syrian authorities to put an immediate end to all violence and all human rights violations, and to meet its responsibility to protect the Syrian population;

6. *Reiterates* that all violence in all its forms by all parties must cease;

7. *Demands* an immediate end to all attacks against journalists and media outlets, and also that independent and international media be able to operate in the Syrian Arab Republic without restrictions, harassment, intimidation or risk to life;

8. *Stresses its support* for the aspirations of the people of the Syrian Arab Republic for a peaceful, democratic and pluralistic society, in which there is no room for sectarianism or discrimination on ethnic, religious, linguistic or any other grounds, based on the promotion of universal respect for and observance of human rights and fundamental freedoms;

9. *Urges* the Syrian authorities to immediately and fully implement the agreed humanitarian response plan, including by granting immediate, safe, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic;

10. *Invites* all relevant United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees, to continue to provide support to Syrian refugees and their host countries;

11. *Reiterates* the importance of bringing to justice those responsible for the widespread and systematic use of violence against the Syrian people;

12. *Underscores* the importance of the recommendation of the commission of inquiry that the Syrian people, on the basis of broad, inclusive and credible consultations, should determine, within the framework provided by international law, the process and mechanisms to achieve reconciliation, truth and accountability for gross violations, as well as reparations and effective remedies for the victims;

13. *Emphasizes* the continued importance of the efforts of the commission of inquiry to conduct international, transparent, independent and unfettered investigations into alleged violations of international human rights law with a view to hold to account those responsible for such violations, including for those that may amount to crimes against humanity;

14. *Encourages* the international community to ensure that there is no impunity for such crimes, stressing that the Syrian authorities have failed to prosecute alleged perpetrators of such crimes;

15. *Looks forward* to the full report of the commission of inquiry, to be presented to Human Rights Council at its twentieth-first session;

16. *Recognizes* that the commission will need additional resources in order to completely fulfil its mandate;

17. *Calls upon* the Syrian authorities to cooperate fully with the commission of inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic, noting the unofficial visit of commissioner Paulo Pinheiro;

18. *Decides* to transmit all reports and oral updates by the commission of inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action;

19. *Recalls* the standards for membership of the Human Rights Council as set forth in paragraph 8 of General Assembly resolution 60/251 of 15 March 2006;

20. *Decides* to remain seized of the matter.

33rd meeting
6 July 2012

[Adopted by a recorded vote of 41 to 3, with 3 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

India, Philippines, Uganda]

B. President's statement

PRST/20/1
Reports of the Working Group on the Universal Periodic Review

At the thirty-third meeting, held on 6 July 2012, the President of the Human Rights Council read out the following statement:

"*The Human Rights Council,*

Recalling Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011,

Recalling also Human Rights Council decisions 6/102 of 27 September 2007 and 17/119 of 17 June 2011 containing general guidelines for the preparation of information under the universal periodic review,

Recalling further General Assembly resolution 65/281 of 17 June 2011 and Human Rights Council decision 17/119, in which the Council extended the duration of review by the Working Group on the Universal Periodic Review from three hours to three and a half hours for each State review from the second cycle onwards,

Recalling President's statement PRST/9/2 of 24 September 2008, in which the word limit of reports of the Working Group on the Universal Periodic Review on each State reviewed was set at 9,630 words,

Taking into account the fact that the extension of the duration of the review entails a greater number of statements made during the universal periodic review of each State,

Recalling that the word limit for reports of intergovernmental bodies has been set at 10,700 words,[96]

Decides to increase the word limit for all reports of the Working Group on the Universal Periodic Review on each State reviewed from 9,630 words to 10,700 words."

[Adopted without a vote.]

V. Nineteenth special session

S-19/1
The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh

The Human Rights Council,

Recalling General Assembly resolutions 66/176 of 19 December 2011 and 66/253 of 16 February 2012, Human Rights Council resolutions S-16/1 of 29 April 2011, S-17/1 of 22 August 2011, S-18/1 of 2 December 2011, 19/1 of 1 March 2012 and 19/22 of 23 March 2012, and Security Council resolutions 2042 (2012) of 14 April 2012 and 2043 (2012) of 21 April 2012,

Condemning the killings, confirmed by United Nations observers, of dozens of men, women and children and the wounding of hundreds more in the village of El-Houleh, near Homs, in attacks that involved the wanton killing of civilians by shooting at close range and by severe physical abuse by pro-regime elements and a series of Government artillery and tank shellings of a residential neighbourhood, and reiterating that all violence in all its forms by all parties must cease,

[96] In accordance with the resolutions of the General Assembly on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, reports originating in the Secretariat are subject to a page limit equivalent to 8,500 words, while those not originating in the Secretariat are subject to a page guideline equivalent to 10,700 words.

Recalling that, in a statement made on 27 May 2012, the United Nations High Commissioner for Human Rights stated that the atrocities in El-Houleh may amount to crimes against humanity, and noting her repeated encouragement to the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter of the United Nations,

1. *Condemns in the strongest possible terms* such an outrageous use of force against the civilian population, which constitutes a violation of applicable international law and of the commitment of the Government of the Syrian Arab Republic, under Security Council resolutions 2042 (2012) and 2043 (2012), to cease violence in all its forms, including the cessation of the use of heavy weapons in population centres;

2. *Condemns in the harshest terms* the outrageous killing of forty-nine children, all under the age of 10;

3. *Deplores* the fact that the recent killings in El-Houleh occurred in a context of continued human rights violations in the Syrian Arab Republic, including ongoing arbitrary detentions, hindered access for the media and restrictions of the right to peaceful assembly;

4. *Emphasizes* the continued failure of the Syrian authorities to protect and promote the rights of all Syrians, including through repeated and systematic violations of human rights;

5. *Reiterates* its urgent call upon the Syrian authorities to put an immediate end to all violence and all human rights violations, and to meet their responsibility to protect their populations;

6. *Calls once again upon* the Syrian authorities to immediately allow United Nations human rights mechanisms and missions full and unfettered access and freedom of movement within the Syrian Arab Republic;

7. *Stresses* the need to conduct an international, transparent, independent and prompt investigation into violations of international law with a view to hold to account those responsible for widespread, systematic and gross human rights violations, including those violations that may amount to crimes against humanity;

8. *Requests* the commission of inquiry to urgently conduct a comprehensive, independent and unfettered special inquiry, consistent with international standards, into the events in El-Houleh and, if possible, to publicly identify those who appear responsible for these atrocities, and to preserve the evidence of crimes for possible future criminal prosecutions or a future justice process, with a view to hold to account those responsible, and also requests the commission to provide a full report of the findings of its special inquiry to the Human Rights Council at its twentieth session, and to coordinate, as appropriate, with relevant United Nations mechanisms;

9. *Calls upon* the Syrian authorities to cooperate fully with the commission of inquiry and to accord it full and unfettered access to the Syrian Arab Republic to conduct its work;

10. *Calls upon* all States Members of the United Nations to assist the commission of inquiry in its mission by providing the support necessary for it to achieve its objectives, including, but not limited to, Member States calling upon the Syrian authorities to grant the commission the access required to conduct its work;

11. *Calls upon* the Syrian authorities to grant immediate, unimpeded and full access of humanitarian organizations to all areas of the Syrian Arab Republic in order to allow them to provide relief and humanitarian assistance, and calls on all sides to respect the safety of humanitarian workers;

12. *Requests* the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the United Nations High Commissioner for Human Rights and the Secretary-General in this regard;

13. *Calls for* the urgent, comprehensive and immediate implementation of all elements of the six-point proposal of the Joint Special Envoy of the United Nations and the League of Arab States, Kofi Annan, as annexed to Security Council resolution 2042 (2012) without any preconditions;

14. *Invites* the Joint Special Envoy for the United Nations and the League of Arab States to provide a briefing to the Human Rights Council at its twentieth session;

15. *Decides* to remain seized of the matter.

2nd meeting
1 June 2012

[Adopted by a recorded vote of 41 to 3, with 2 abstentions. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, Congo, Costa Rica, Czech Republic, Djibouti, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Libya, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Poland, Qatar, Republic of Moldova, Romania, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, United States of America, Uruguay

Against:

China, Cuba, Russian Federation

Abstaining:

Ecuador, Uganda]

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